




3 1761 11971105 9



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761119711059>

Canada. [Conferences].

Constitutional conference, Ottawa, 2nd meeting

Proceedings. Feb. 10-12, 1969.

I

11

CONSTITUTIONAL CONFERENCE

PROCEEDINGS

SECOND MEETING

Ottawa— February 10-12, 1969

© Crown Copyrights reserved
Available by mail from the Queen's Printer, Ottawa,
and at the following Canadian Government bookshops:

HALIFAX
1735 Barrington Street

MONTREAL
Æterna-Vie Building, 1182 St. Catherine Street West

OTTAWA
Daly Building, Corner Mackenzie and Rideau

TORONTO
221 Yonge Street

WINNIPEG
Mall Center Building, 499 Portage Avenue

VANCOUVER
657 Granville Street

or through your bookseller

Price: \$4.00 Catalogue No. Z2-1969/1-2

Price subject to change without notice

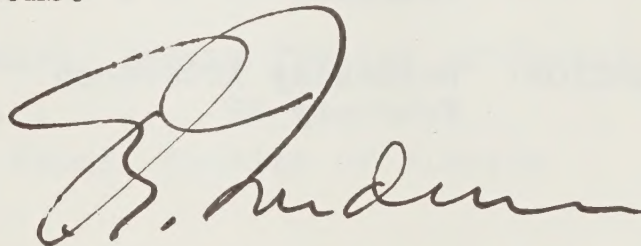
The Queen's Printer
Ottawa, Canada
1969

FOREWORD

The Constitutional Conference held its second meeting in Ottawa on February 10, 11 and 12, 1969. As with the February 1968 meeting, the proceedings were made accessible to all Canadians on radio and television. The frank expressions of opinion voiced by the heads of the various governments illustrated dramatically the wide variations in the points of view within Canada concerning our constitution and the way in which our country is governed. They set forth clearly some of the important problems that must be resolved in achieving satisfactory arrangements for government in the Canada of the future.

The Conference was for observers and participants an educational exercise of great importance. I believe we all learned much of the hopes and concerns, the priorities and the interests, of the several governments of Canada. It permitted all Canadians to understand better our national and our regional problems.

The Conference reached a consensus on a number of conclusions which are recorded in these proceedings. Perhaps the most significant decision taken by the heads of government was to carry out a comprehensive review of the constitution at an accelerated pace. This resolve, together with the action by the Conference to establish various committees of ministers to undertake immediately certain important aspects of the review, represents another major step toward the solution of Canada's constitutional problems.

A large, stylized handwritten signature in dark ink, appearing to read 'B. Trudeau', is centered on the page below the main text.

C O N T E N T S

	<u>Page</u>
Foreword	iii
Heads of Delegations	v
Agenda	vi
 FIRST SESSION: Monday Morning February 10	
Opening Statements	1
 SECOND SESSION: Monday Afternoon February 10	
Opening Statements continued	61
 THIRD SESSION: Tuesday Morning February 11	151
 FOURTH SESSION: Tuesday Afternoon February 11	215
 FIFTH SESSION: Wednesday Morning February 12	279
 SIXTH SESSION: Wednesday Afternoon February 12	331
 APPENDIX A: Conclusions of the Meeting	395
 APPENDIX B: Detailed Guide to Contents	401

HEADS OF DELEGATIONS

The Right Honourable Pierre Elliott Trudeau,
Prime Minister of Canada

Honourable J.P. Robarts, Prime Minister of Ontario

Honourable Jean-Jacques Bertrand, Prime Minister of Quebec

Honourable G.I. Smith, Premier of Nova Scotia

Honourable Louis J. Robichaud, Premier of New Brunswick

Honourable Walter Weir, Premier of Manitoba

Honourable W.A.C. Bennett, Premier and Minister of Finance
of British Columbia

Honourable Alexander B. Campbell, Premier of Prince
Edward Island

Honourable D.G. Steuart, Deputy Premier of Saskatchewan

Honourable Harry E. Strom, Premier of Alberta

Honourable J.R. Smallwood, Premier of Newfoundland.

AGENDA

1. Opening Statements
2. Objectives of the Constitutional Conference
 - (a) General
 - (b) Report of the Continuing Committee
 - (c) Procedure for Constitutional Review
3. The Objectives of Confederation and Basic Principles of the Constitution
4. Specific Constitutional Questions:
 - (a) Official Languages
 - (b) Fundamental Rights
 - (c) Distribution of Powers (including constitutional aspects of taxation and spending powers)
 - (d) Reform of Institutions linked with Federalism
 - (e) Regional Disparities
 - (f) Amending Procedure and Provisional Arrangements
 - (g) Mechanisms of Federal-Provincial Relations
5. Other Questions

Opening Statement
by the
Prime Minister of Canada
THE RIGHT HONOURABLE PIERRE ELLIOTT TRUDEAU
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969

Opening Statement
by the
Prime Minister of Canada
THE RIGHT HONOURABLE PIERRE ELLIOTT TRUDEAU
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Distinguished guests, observers, mesdames and messieurs, in opening this meeting of our Constitutional Conference, I welcome all the heads of provincial governments and their delegations who are gathered in this room, and also all those who are watching and listening on radio and television.

Although this meeting is a continuation of last February's meeting, the events of the last year have caused some changes in our membership. The members of the federal delegation, and, I am sure, all participants in this Conference, will miss the skilful and experienced leadership of my predecessor, The Right Honourable Lester B. Pearson. His many years of international diplomacy, his deep knowledge of our political institutions, his evident affection and concern for his country, and his personal store of wisdom and humour contributed greatly to the success of our first meeting.

We are honoured by his presence at this Conference and by that of another former Prime Minister of Canada, The Right Honourable John Diefenbaker. I only wish that we could amend our Constitution to guarantee that a prime minister, in assuming his office, would also acquire all the best qualities of his predecessors.

There is an absence I feel with particularly acute regret this morning - that of the Honourable Daniel Johnson. The reasons which had motivated our decision to revise the Constitution stemmed to a great extent, from the dissatisfaction of French-Canadians and their uneasiness within the Canadian federation. As Premier of the Province of Quebec, Mr. Johnson's task, at the time of our first meeting, was an important and difficult one. And even though differing opinions were expressed around this table on a few occasions, his complete devotion to the interests of the people of Quebec, and his faith in the future of Canada, were acknowledged by all those who witnessed the care and deep thought he applied to reconciling the pursuit of this twofold objective. The Honourable Jean-Jacques Bertrand, as we know, succeeds him as Premier of the Province of Quebec. We welcome Mr. Bertrand this morning at the opening of this second session. I greet you with friendship and I am most happy to see that you are again in good health. I hope that your health will continue to be satisfactory and that you will thus be able to carry out successfully your new responsibilities.

The Honourable Ernest Manning will also be missed at this Conference. He was able to bring to our discussions all the authority and conviction which he had acquired during his quarter century of service to the people of Alberta. His successor as Premier of that Province, and as head of the Alberta delegation, is The Honourable Harry Strom. I am happy to welcome you to the Conference and to wish you every success in your new office.

We were disappointed to hear that ill health will prevent the Premier of Saskatchewan, The Honourable Ross Thatcher, from attending this meeting. The Honourable D.G. Steuart will be leading the Saskatchewan delegation, and I would ask him to convey to Premier Thatcher our best wishes for his speedy recovery.

Having said this, gentlemen, by way of introduction, I thought I might anticipate a little bit on the agenda that is in our hands. We know that there will likely be some discussion of the agenda, but as it reads now you will see that Item 1, Opening Statements, is followed by Item 2, Objectives of the Constitutional Conference. And because of that I thought the best way to proceed, if we were all agreed, would be to proceed by the opening statements, each Prime Minister and Premier speaking in turn, and then after we had gone around and each stated our position, as it were, we could right away go into Item 2, which would be

likely some time this afternoon, late this afternoon. And at that point on Item 2 we could discuss the agenda as it followed from there. And we could make any adjustments or alterations or set any timetables that we wished to.

In this way we would, I repeat again, start by making our opening statements each in turn, and then we would be free to discuss any and all aspects of the agenda. If this is agreeable, I will proceed, and each of the other delegation leaders will proceed in turn. Agreed?

We are assembled today in a tradition which goes back beyond the birth of our Confederation. The turning points in the histories of many countries have been marked by wars and revolutions. This country was founded and has grown, less dramatically but no less surely, as a result of orderly meetings between representatives of the people. It took several years and a number of meetings to hammer out the details of Confederation. To the Fathers of Confederation the discussions of those years must often have seemed frustrating and interminable. Yet in the perspective of history we consider their time well invested.

In many ways the task which they performed can be compared to the task which faces us today. They had a vast and varied country to create. We have a rich and promising future to assure. The problems of their day had outgrown the attitudes and the institutions of the time. They had to forge a new and stronger unity based on their confidence in the future. In the same spirit we must not be afraid to innovate, to change and to improve. Over the years they worked with patience, tolerance and foresight. These are qualities which we will need to share.

Canada is the product of understanding; not conflict. We are the trustees of reasonableness, not violence. Canadians want their country to move forward calmly and deliberately. This is our way and it is the right way. It has worked and we must continue to make it work.

For the next three days the focal point of our discussions will be the Constitution. I know that many people think of the Constitution as a dry and technical document best left to lawyers and politicians. Certainly the British North America Act is not very inspiring to read. But it affects every Canadian - and therefore it concerns every Canadian. Every one of us has a stake in our political system. How well that system works, and

whether it can continue to work at all, depends on the Constitution.

From the Constitution depends and springs the authority for our laws, for the administration of justice, for the preservation of order in our society. And thus it affects the most common acts of our everyday lives - the price we pay for our groceries or our heating, the quality of the air we breathe and the water we drink, the programmes we watch on television, the way we run our schools and our courts. It affects the prosperity of our country, the number of jobs, the development of industry, the adequacy of our health and welfare services. It protects individuals and minorities against the abuse of power. In a time of rapidly changing needs and aspirations the Constitution becomes crucial to the very existence of our country.

It was during our Centennial Year that many Canadians, and their elected representatives, came to recognize that a revision of the Constitution was essential to the future of this country. That realization set in motion the process which has led to this meeting.

One of the first steps was Premier Robarts' Confederation of Tomorrow Conference, at which many Provincial leaders spoke of the urgency of constitutional revision. This feeling was reaffirmed at the first Federal-Provincial Constitutional Conference last February, and it led us to undertake a comprehensive review of the Constitution. We agreed to set up a Continuing Committee of Officials to carry out the preparatory work.

The Federal government and all provincial governments have participated in the work of this Committee. It has drawn on the imagination and experience of experts in all parts of the country. As a result of its activities there has probably been more serious and organized consideration of basic constitutional principles throughout Canada during the past year than at any time since Confederation. Now that we have created this new intellectual resource, it is up to us to decide how to make the best use of it. But the final responsibility for continued and orderly progress on the long, uphill road to a new Constitution remains with the members of this Conference.

I do not underestimate the difficulty of our task. Although a great deal of work has been done since last February, most of the problems which gave rise to the demand for revision remain unsolved and some may have become even more acute. Recent events clearly show that uncertainties over the proper roles for Ottawa and the Provinces, and over the rights of our two major language groups have not diminished. What was true a year ago is no less true today. We must remove these uncertainties through constitutional reform.

We know that these are not the only problems which demand our attention. Canadians in all Provinces want improved educational systems, expanded health and welfare programmes, better transportation and housing, and more rapid regional development, to mention only a few of the current priorities.

We have heard suggestions that this meeting should set aside the Constitution and concentrate on these day-to-day social and economic problems. After all, we can see they exist. We can see they are important. And we can see they must be solved. But there comes a time when the search for short-term solutions, the reliance on temporary adjustments, must not be allowed to stand in the way of an examination of the underlying problems. All of us know that when two men of goodwill disagree persistently over a common and urgent problem there must be some disagreement on basic principles. And we know that it is better, that it is more effective, to try to work out agreement on the principles than to keep on bickering about the problem itself. Canadian unity and federal-provincial co-operation have been called in question too often for us to think that another temporary expedient will do. We must discuss the fundamental problem - the Constitution which defines the framework of Canadian unity and sets the rules for federal-provincial co-operation.

I could recount, as you could, the progressive shifts in resources from the federal to the provincial governments, so that now the provincial-municipal share of total government revenues is approaching fifty per cent. I could recount the steady and progressive reduction in the federal share of income and estate taxes. I could recount the increases in federal equalization payments to the lower-income provinces, so that now they amount to well over half-a-billion dollars a year.

I could speak, too, of our concern, indeed of the urgent necessity, for preventing an erosion of the economic and fiscal powers of the Parliament of Canada if our country is to remain strong, and if the opportunities for every Canadian are to increase in every region of the country.

But this is not my point. You know these arguments as well as you know your own on this central question of federalism. My point is that these arguments have been going on for so many years that we owe it to Canadians to try to get at the fundamental problem - and that problem is the Constitution.

If the Provinces feel, for example, that successive governments of Canada have been too ready to initiate shared-cost programmes, or that shared-cost programmes are a violation of the spirit of provincial jurisdiction, then we had better look at the constitutional power under which these are created - the federal spending power. Behind all of the arguments, is it being suggested that this federal power should be reduced or circumscribed in some way? Or is it being suggested that there should be some ground rules for its use? These are fundamental questions indeed, for on this constitutional power are based, for instance, the Hospital Insurance Plan, the Canada Assistance Act, the Fund for Rural Economic Development, the Health Resources Fund, Medicare, the Trans-Canada Highway and Family Allowances, just to cite a few examples. The federal spending power has also enabled the Federal Government to contribute to many Centennial projects including Expo 67. These are some of the ways in which Canadians benefit from this power and which we must keep in mind when we discuss this issue.

The use of the federal spending power is just one example of the basic constitutional questions which we must resolve in order to find enduring solutions to the continuing financial problems of all governments.

Another pre-occupation of both federal and provincial governments has been the attempt to provide equal opportunities for Canadians in all regions. This was one of the underlying reasons for Confederation. During the century of our history, economic conditions and the resulting problems of inequality have changed beyond recognition. The question has been raised whether the Constitution imposes sufficient obligations and grants

sufficient powers to the various levels of government to solve these problems. We share the Provinces' desire to find more equitable ways of distributing opportunities throughout Canada, and we welcome a full discussion of the best constitutional means of achieving this goal.

But rather than renewing the battles of the past, battles over immediate financial arrangements -- one year, two years, five years -- we should face up to these fundamental issues. They are included on the agenda of this Conference, and we will be discussing that in the next three days. They should be considered as part of a systematic examination of the whole structure of our federal system.

We want to revise our Constitution. We want to bring it up to date, to make it more in keeping with the realities of our time. However, our real purpose, our profound motivation, is first and above all to serve the citizen, to safeguard his interests, to ensure the protection of his rights and the realization of his hopes. This is our prime consideration, and it is common to all of us; the more so because all of us, together, represent and serve the same Canadians. Jurisdictions may well be divided among different levels of government, but the citizen remains one and indivisible.

What values can be more important, what possessions more precious to the citizen than the right to life and property, and the freedoms of opinion, speech and religion? Those are basic rights of the individual, inherent in the dignity of man, because they are fundamental, natural and, indeed, unalterable. Can these rights be ignored in the Constitution of a modern and civilized country which claims to be the defender of the dignity and liberty of man?

The Federal Government insists that a charter of human rights should be an integral part of the Constitution, because it believes that those rights are equally important for all Canadians. Whether he be from Churchill, Trois-Rivières, Kamloops, Medicine Hat, Richibucto or Port aux Basques, the Canadian citizen must be assured everywhere of the same free exercise of his basic rights.

And why should this not be so? Are those not values common to all, and in which we all believe? Of course, And so, I ask you, gentlemen, why do we hesitate?

Why are we reluctant to join together in guaranteeing to the citizen, whom we all serve and represent, his most essential rights?

There may be some who believe that this matter is rather one of provincial jurisdiction and are wary lest the Federal Government should intrude in a field not coming under its exclusive competence. There can, however, be no question here of government encroachment, since it is not a matter of transferring legislative powers from one government to another. It is only necessary that we be in agreement to restrict the power of all the governments so that they will no longer be free to prevent the exercise of individual rights which we would all agree to guarantee. We are agreeing to place the basic rights of the citizen before those of the governments. Nothing more.

Most provinces recognize the need to grant such rights to the individual. Some provinces have already adopted either a charter of human rights or legislation to protect certain freedoms, and other provinces intend to follow suit shortly.

But the citizen's protection remains incomplete as these are isolated efforts. Why not unify and consolidate them? The Federal Government has drawn up a draft charter of Human Rights which will be found in our document entitled The Constitution and the People of Canada. Needless to say, the draft is not final and is subject to improvement. But why not compare our different approaches to the problem and attempt to reconcile them? Why should we not agree to pool what we both may have developed in order that the most valid elements of our reflections and various studies may be used to draft the best charter possible?

A constitutional charter of human rights, in addition to meeting a specific need in respect of the citizen, would offer the advantage of having all Canadians participate in the same spirit and the same ideal. We believe in the cultural diversity of the country, a diversity we want to cultivate and encourage. But at the same time we must find the deep-lying reasons which bring us together, we must become aware of the ties which unite us. If we want this country to be a country, and not an agglomeration of territories for administrative purposes, we must, to give this country a soul, recognize once and for all the principles and ideals we share in common and which inspire us.

It being necessary to go beyond certain cultural compartments in order for the country to rediscover its foundations and its "raisons d'être", we have come to consider linguistic rights to be fundamental.

We want to respect the languages of our two main linguistic communities. But are we talking of a restrictive attitude, of a limited respect? Are the rights of the French language to be recognized only in one part of the country? And the rights of English only in the other part? It is easy to see how absurd this would be as it leads directly to intolerance on both sides and to a sort of "double segregation".

We believe that language rights are essential not only for the individual, but for the strength and unity of this country. Both French-speaking and English-speaking Canadians must enjoy the fullest rights of citizenship. Wherever they live, they must feel at home.

Our policy on bilingualism has been widely misunderstood. It does not mean that every English-speaking Canadian must learn to speak French any more than it means that every French-speaking Canadian must learn to speak English. It means that every Canadian will have access to public education in either official language, and will be free to use either language in dealing with the Federal Government and other public bodies in all areas of the country where the size of the minority justifies it. Only when this has been achieved will all Canadians of both languages feel that the whole of Canada is their country.

The choice is only too clear. Either we recognize these language rights in all parts of Canada -- and I repeat, this has been misunderstood in many parts. It is a very limited region where this bilingual concept or this bilingual bill or the B and B Report applies. There is no region in British Columbia where it applies. There is one region in Alberta; one in Saskatchewan. Four, I believe, in Manitoba. This is far different from supposing that everywhere, everyone to be a federal servant will have to speak both languages. We are talking of regions where the number of citizens of the official language (whether it be in Quebec or the rest of Canada) is sufficient to justify such bilingualism and such bilingual institutions. But either we recognize these languages in all parts of Canada, or we create a climate of mutual suspicion and mistrust which could lead

to the disintegration of this country. That is Canada's challenge and together we must answer it.

Since our Conference last year several provinces have adopted measures to extend language rights. The Federal Government has introduced an Official Languages Bill which was intended to deal with matters within the federal jurisdiction. We realize that the extension of language rights right across the country may cause technical and financial problems, and we are ready to discuss these problems with the Provinces and to consider any proposals for assistance in solving them. We have said so last year, and we hope that during this Conference we will examine ways in which it may be done.

But now that we have taken the first steps in this direction, we cannot afford to hesitate or fall back. Language rights are too important to too many Canadians to be left without adequate protection in our law. We must place them beyond question and beyond attack by guaranteeing them to all Canadians in our revised Constitution.

I have mentioned only a few of the questions which we would be considering during this Conference, but they should indicate the magnitude of the task which we have set ourselves. Of course many of these questions will remain unresolved at the end of three days. Anyone who expects a new Constitution by Wednesday evening is likely to be disappointed.

But nevertheless, we expect to make substantial progress during this meeting and to move to a new stage of our proceedings.

In some areas of the Constitution much preparatory work remains to be done. We may decide to refer this work to the Continuing Committee of Officials. We will have a chance to examine this Committee's report which asks for guidance on its future methods and objectives.

In other areas in which the preparatory work has been completed, the time has come to decide on the form and content of a revised Constitution. These are political decisions which must be made by elected representatives of the people.

For instance, the Federal Government has submitted specific proposals for a Charter of Human Rights.

We have also submitted proposals on the contents of a preamble, and on the structure of federal and provincial governments and the courts.

We will be dealing with all these subjects later in the meeting. If we do not have time to complete our discussion of them, we could refer specific topics to meetings of appropriate ministers or heads of governments. For our part, we believe that any such meetings deserve the highest priority, and we will make ourselves available as soon as and as often as necessary.

Behind all these questions of detail, and behind every item on our agenda, is a larger and more fundamental question.

Certainly taxing and spending powers are important to our governments, and we will have a chance to discuss them during this Conference. Certainly human rights and language rights are essential to Canadians, and we will be talking about them also.

But more important, more essential to our future is the preservation and strengthening of the unity of this country. I am not talking about a vague, abstract idea. I am speaking of the feeling of individual Canadians towards their country. What kind of a country do we want?

Do we want a renewed and improved federalism? A strong Federal Government empowered to act on behalf of the whole country? Strong provincial governments capable of fulfilling their constitutional responsibilities? A division of powers adapted to present-day needs? A Constitution which defines and guarantees the fundamental rights of all citizens? Equality in law for the French and English languages?

We believe that most Canadians in all provinces support these principles. At this Conference all governments will have an opportunity to state clearly where they stand.

It would be unrealistic to expect agreement on every issue. But whatever the course of our discussions over the next three days, we are united by our common confidence in the future of this remarkable country, and by our desire to serve the best interests of all Canadians. This is the spirit which has brought us to this table and which, I am confident, will inform and inspire all our deliberations.

Opening Statement by
THE HONOURABLE JOHN ROBARTS
Prime Minister
of the
Province of Ontario
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969

Opening Statement by
THE HONOURABLE JOHN ROBARTS
Prime Minister
of the
Province of Ontario
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Prime Minister Trudeau, my colleagues, ladies and gentlemen:

It is just a little more than a year ago that the Province of Ontario was privileged to play host to the first, public inter-governmental Conference dealing with the contemporary issues of Canadian federalism. That was the Confederation of Tomorrow Conference. It was followed last February by the Conference in this room which was also open to the public. We were thus able to involve our people from coast to coast in the present problems of our Country's federalism. We are here today to continue that work which, I have a feeling, Prime Minister, will go on for a good many years. I agree with you that we will not have a new Constitution by Wednesday afternoon.

It is a pleasure to be here and to represent the people of Ontario at this meeting. I hope that we will be able to make some real progress in finding where the future of our Country lies. The agenda is filled with many complex matters. We have discussed a good many of these matters before and, on behalf of Ontario, I am happy to continue to discuss at this time and will be prepared to discuss in the future every single item that is on the agenda.

Canada has always been a Country whose people have held widely divergent points of view, but who somehow have managed and must forever manage, to live together. The discussion on the agenda that has occurred in the last week is, I think, as good an example as one can find of the different points of view that exist. On the other hand, there are solutions to all these problems.

Our position in Ontario is that we must discuss all these matters together. We do not think that they can be separated. We do not think that you can separate the constitutional problems from the linguistic problems and these two from the fiscal problems if we are to achieve what is our common objective. I would think that nothing could be more disruptive to the future of Canada than if we omit or fail to discuss some of the problems that face us today. Our great national priorities, it seems to me, are constitutional change, linguistic rights and the responsible management of the economic and financial affairs of this Country. Our position in Ontario is that these cannot be discussed in isolation. They must be discussed together.

With regard to constitutional change, Prime Minister, and with regard to the comments you have made and the suggestions that your government has put forward, I was struck by the fact that these will require great deliberation, thought and examination. On the other hand, we cannot take forever to do some of the things that have to be done in our Country. We must move on. Psychologically, I think it is very important that we demonstrate to our people that we are prepared to enter the second century of our Confederation with an open mind and with an approach that will permit us to make the changes that are necessary to meet the needs of our second hundred years.

The process of constitutional change is bound to be a delicate business which requires a high degree of political skill and political consent. I think that it might best be undertaken by our people and by the governments they elect if it is done in an atmosphere of political and fiscal stability. I think that if we are going to consider these great questions of constitutional change, we will be more successful in our discussions if our people are confident as to what their day-to-day future is going to be. That is why I consider it to be of fundamental importance that our governments meet the various pressing needs of our people as they exist today, at the same time as we take the

time (and it will take a lot of time) to discuss the much more far-reaching and deeper matters of constitutional change. What we need is to make our present Constitution function better than it is while we undertake to change its framework.

It is not necessary for me to spell out to this Conference and to the men around this table the type of problems that we have. We have some long-term problems and we have some short-term problems that concern our people directly: such things as housing, schools, hospitals and roads.

The basic, fundamental constitutional problem revolves around the questions: "What kind of Canada do we want? What kind of Canada are we going to have? What kind of Canada do our citizens want us to build for them?" These are fundamental questions that go to the root of our federal system. We from Ontario will have a good deal to say about the various items on the agenda dealing with the future of Canada.

Last February, Ontario undertook certain courses of action and announced them at this table. I do not propose to discuss them in detail now because they will emerge later in the Conference when we reach other items on the agenda. However, I would like to say that since that time Ontario has taken many steps to implement the commitments which we undertook. We think that we have come some considerable distance over the past year in the recognition of linguistic rights within the Province, particularly in the field of education.

The courses of action which we have started will continue. They have been undertaken in good faith and will be continued because we think that they are right. They are particularly right for the over half a million people who live in Ontario and who conduct many or most of their affairs in the French language. I will go into this matter more fully as time goes on, but I wanted to make this point now.

As we look at the broader question of federalism, it seems to me that when the Fathers of Confederation drew up the Constitution in 1867 they dealt with matters as they saw them at that time. They allotted to the provinces certain responsibilities not really realizing what would happen over one hundred years to those responsibilities.

Consider, for example, the question of highways in our Country. The Fathers of Confederation could not have anticipated the automobile and what it would mean to provincial jurisdiction in the construction of roads when that particular responsibility was given to the provinces. I use that only as an example, but it illustrates how circumstances have changed, whereas the Constitution has not changed. The financial responsibilities of the provinces and the powers the provinces bear in a whole series of areas have developed beyond the wildest dreams and imaginings of the Fathers of Confederation. We think these responsibilities include many immediate and pressing needs, and we must arrange some way of meeting them. I realize that they are fundamental; I agree with you, Prime Minister, when you say we can no longer accept patched-up solutions. We cannot seek solutions for the next two years or the next three years. We must seek solutions that are going to be lasting. We believe that we are going to have to recognize provincial responsibilities more than we have in the past, and in a much more explicit manner; and we are going to have to make provision for the provinces to meet them.

We in Ontario believe that if we cannot get some more equitable or reasonable apportionment of revenues, and if we are not to over-tax our people and our industries, we will have to reduce our present programs in the fields of education, health, transportation, power development, natural resources development, housing, urban renewal, and the whole area of pollution, just to name a few of the programmes that will suffer.

I suggest that if this happens, it will change the face of this Country a great deal more than we ever will by making changes to the written Constitution. There is a very practical aspect to this and that is why we say that it is impossible to discuss in piecemeal fashion what is going to happen to this Country. We have to consider all matters together, and fiscal matters are of great importance. I do not say they are any more important, but I would say they are equally important. We wish to maintain a healthy, prosperous growth in Ontario, secure in the knowledge that the Federal Government garners 45 per cent of its revenue from that very healthy organization, the Province of Ontario. These are just some facts I put before you to reinforce the position taken by Ontario. These various matters cannot be separated.

We believe that the taxpayer of Canada does not particularly care which government, federal or provincial, taxes him. I think what does concern him is how much he is taxed. What he does care about is not constitutional niceties, but that his governments do their jobs efficiently and economically and provide him with an environment and atmosphere in which he can live and be happy and raise his family. If that is the case, and if my premise is correct, then I think it is up to us, as the men who have these responsibilities, to make sure that each jurisdiction has the wherewithal to discharge the responsibilities it has to the individual citizen.

The day has gone forever in this Country when one government can think it is able to decide and dictate the needs of all Canadian people. We need to have a new federalism in our Country. This should be one of the objectives of this Conference, to develop a new federalism reflecting the fact that we are really equal partners engaged in a joint and exciting endeavour.

To refer, if I may, to the potential of this Country: I think we must begin to co-operate in a way we have never done before. I would like to see developed and maintained a functional federalism. This is what Ontario seeks. This is the central issue as we see it. We must adopt the best kind of federalism for Canada, for its people, for the present and for the future. I think that we must reject political oneupmanship. There has been a certain amount of that in our Country in recent years. I think that we must concentrate on developing and forming a partnership among our governments. We must recognize the strength of our two linguistic communities, and we must recognize in addition to that the wealth of the many cultures that contribute to the total of what is Canada.

We must strike a delicate but nonetheless vital balance between national needs and regional interests. We must adopt the basic principle that revenues and spending responsibilities be closely matched. Then we must find some means of assessing the differing problems and the needs of the component parts of Canada.

It must be a federalism which will be functional and flexible. We must recognize and preserve the fundamental distinction between federalism and centralism. We are not impressed with the idea of centralism, but we are impressed with the principle of federalism. We support

a strong Federal Government. We have always done so. We believe it is absolutely necessary for the interests of all Canada. The diversity of our Country requires that we have a strong central government to hold the diverse parts together. But that does not mean that all powers need to be concentrated in the central government. We must look at this part of the total problem very carefully.

I think we must adopt the principles of the new federalism that I am trying, in my halting way, to outline to you this morning. I think we must adopt these principles and make sure that they are put into practice.

With regard to the discussions that we have had, as far as I personally am concerned and as far as my government is concerned, we have welcomed these opportunities. We have shifted position occasionally. No doubt we will again. That is the purpose of any discussion: to ensure that we get all the points of view on the table and examine them and then as a group pick those that we think will be best for us.

Inevitably, we are going to fall back on the great Canadian characteristic of compromise, because some of the points of view might be termed to be irreconcilable; and yet they have to be reconciled. This will only be done through the exercise of great judgement, goodwill and an eventual compromise of positions. And this we can do.

I do not see this task as being at all impossible. I do not minimize the difficulties. But if one reads a little history and sees what we have been able to do in that past, I think one can approach the future with optimism. As in the past, we will find the solutions.

We have made a very hopeful beginning. I look forward to these Conferences. I do not worry about the term "confrontation". Because it is not a confrontation. It is only an exchange of varying points of view. And we are all quite used to this. So I do not think we need allow ourselves to be stampeded into thinking that we are in any great period of unending crisis. We will find our way through this as we have found our way through many situations in the past.

I am delighted that these Conferences are open to the public, by means of press, radio and television. I know in going around Ontario in the last eighteen months

since we opened these Conferences that there is a much greater awareness among our people of what is in fact going on. They are becoming aware of what the issues are. They are becoming aware of the importance of what the results will mean to them as individuals.

That is why we need, Prime Minister, lots of discussion. I believe you are an advocate of more public, participatory debate. I think this is sound, and I congratulate you for your attitude and for what you have done in this regard. Therefore, let us look forward to some participatory federalism in the discussions that will follow here.

I would say in closing that our Federation and its Constitution will only be as good as we make them, because regardless of what you write down on a piece of paper, it is men that make Constitutions work. If we approach these problems with the proper attitude, we have the ingenuity to get the marks on the paper indicating what we want. But it will be finally, inevitably, the attitude of all of us that will make our Constitution work and make our Country what we know it is and can be.

There is a little quote which I think is taken from an old prayer. It advises us to have:

"The serenity to accept what cannot be changed,
the courage to change what can be changed;
and the wisdom to know one from the other".

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, Prime Minister Robarts.

I will now recognize the Honourable Jean-Jacques Bertrand, Prime Minister of the Province of Quebec.

**Opening Statement by
THE HONOURABLE JEAN-JACQUES BERTRAND
Prime Minister
of the
Province of Quebec
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969**

Opening Statement by
THE HONOURABLE JEAN-JACQUES BERTRAND
Prime Minister
of the
Province of Quebec
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Mr. Prime Minister, dear colleagues, ladies and gentlemen:

I would like to express my gratitude to the Prime Minister of Canada and to the Prime Ministers and Premiers of the other Provinces for having accepted, at our request, the postponement for a few weeks of this Conference, at first scheduled for last December. Being the one responsible for that delay, I want to apologize personally to the other delegations. We join you, Mr. Prime Minister, in offering to the Premier of Saskatchewan the best wishes of the Quebec delegation for a speedy recovery. Quebec has been much obliged by the forbearance with which the inconveniences of this change from December to February were accepted by all delegations.

I would like also to pay a brief tribute to the man who headed Quebec's delegation when this Conference began its work in February 1968. You all know without my telling you what vital importance my predecessor and good friend, the late Daniel Johnson, attached to constitutional problems. His most cherished ambition was always to see our Country adopt its own entirely new, all-Canadian Constitution, one capable of ending the misunderstandings which divide us and of putting the harmony between our two cultural communities on solid foundations.

There were those who wondered how the sudden disappearance of Mr. Johnson might affect Quebec's constitutional policy or Canada's for that matter. While the style may change, it should be obvious that the substance of that policy cannot vary that much. Men may come and go, but the reality of Quebec endures.

Thus I have not come to water down, much less to contradict, the many statements, briefs and other official documents which expressed Quebec's attitude to this vital problem before or after the June 1966 general elections. I have come to support and throw more light on the proposals we have already made and also to show how urgently these solutions are needed.

In May 1963, when I, as a member of the opposition, introduced a motion in the Quebec Parliament to institute a Parliamentary Committee on the Constitution, I did so out of a sense of urgency, a feeling obviously shared by my colleagues on both sides of the House, since the motion was adopted without a dissenting voice. We were all alive to the seriousness of the crisis which, in its Preliminary Report published two years later - in February 1965 - the Commission on Bilingualism and Biculturalism (Laurendeau-Dunton) was to describe as "the greatest crisis in our history" one "which threatens the very fact of Canada".

Much more is involved in this crisis than human rights or the linguistic rights of minorities. The trouble lies far deeper and is more fundamental. To quote the Commissioners, in their first report, "the vital centre is in danger: we mean the will to live together". And in the same serious vein, they added that "Canada has come to a time when decisions must be taken and developments must occur leading either to its break-up, or to a new set of conditions for its future existence".

I know that the findings of the Laurendeau-Dunton Commission were discussed at length as soon as they were published. I also know that many Canadian politicians looked upon those findings with disbelief. But we Quebecers believed it. Mr. Laurendeau, who had a profound knowledge of Quebec, must have really believed in those findings for he signed the report.

Fortunately, the Confederation of Tomorrow Conference which Ontario convened in November 1967 afforded us our first opportunity to embark on a thorough study of

the question. We have with us again today the architect of that first meeting, Premier Robarts. Then, meeting here in February 1968, we agreed on the need to review together the various aspects of the constitutional problem, including the one Quebec delegates consider most basic, that of the division of powers. I am pleased to see among us the person who chaired that meeting, The Right Honourable Lester Pearson, former Prime Minister of Canada. I also want to greet another former Prime Minister of Canada who is with us today, The Right Honourable John Diefenbaker.

I attended both conferences and I worked closely with Mr. Johnson and my colleagues who are here with me today and all those involved in preparing the various documents tabled there on Quebec's behalf.

As you have mentioned already, since last year's meeting, a good deal of important work has been done by the Secretariat and the Continuing Committee of Officials. Meanwhile, Quebec has taken considerable pains to make her views clear. Some sixty proposals have been drafted, bearing on all principal aspects of the constitutional review, as a working document likely to get the constitutional talks off to a good start. As was agreed for documents of that nature, and I believe your document "The Constitution and the People of Canada" mentions this, those proposals do not represent the final stance of the Quebec Government; however, they do form a whole that we do submit for consideration and analysis by other governments, the people of Quebec and Canadian citizens everywhere.

As you know, this working document was made public last October. The former Premier, my colleague Daniel Johnson, had said during his "Canadian" press conference, a few days before his death, that we would publish this working document which grouped the sixty proposals being studied by the officials of the Quebec Parliamentary Committee on the Constitution.

This working document was made public, so that the whole population might read and discuss its contents. People asked us: "What does Quebec want?" These sixty proposals give the substance of most briefs presented to the Quebec Parliamentary Committee on the Constitution.

As the Prime Minister of Canada and the Premier of Ontario have just mentioned, the time when constitutions

could be thrown together in a few days behind closed doors is far behind us. Ours is the age of participation, and we believe it essential that every citizen be involved as closely as possible in the process of drafting our new Constitution. For the same reason, I am pleased that today's proceedings are again taking place through television in front of the whole Country.

I ask therefore all those who care about their Country's future to obtain a copy of Quebec's working paper and read it carefully, to comment on it and to discuss it publicly. As for us, we have read with a good deal of interest the proposals made by the other governments.

Because of the huge amount of work that has already been done, because of the renewed awareness that is stirring Quebec, because of the trend of thinking in the rest of Canada, I feel that we can no longer afford to dally with superficialities. We must go to the root of the problem and do so without further delay. We must squarely set ourselves in a dynamic frame of mind, work in the context of a growing society, of a new Canada that needs to be created, of young people who may not show the same patience as former generations.

Ours is not the only Province which would like to see the Constitution amended and I think that I am not far from the truth when I say that all Provinces unanimously agree on the following objectives: (a) repatriating the Constitution; (b) establishing amendment procedures; (c) revising the distribution of tax fields and tax revenues; (d) reducing regional economic disparities; and (e) setting up the machinery for co-operation and adjustment through delegation of powers or otherwise.

Nor is Quebec the only Province suffering from a great disproportion between her responsibilities and her sources of revenue. This is central to all our problems, Mr. Chairman, as you have heard already from the Premier of Ontario and as no doubt you will hear from all the other Premiers. In a nutshell, Quebec is not alone in insisting on provincial autonomy. However, I might add that, besides the reasons common to all Provinces, Quebec has special grounds for valuing her autonomy. And these go far beyond the development of a linguistic heritage.

Indeed, language is not only a mode of expression: first and foremost, it is a way of thinking or - better

still - a way of life. It is the most important manifestation of a culture. The Canadian duality therefore does not come merely from a difference in language; above all, it is due to different ways of approaching, feeling and reacting when confronted by events. A French-Canadian is not the same as an English-Canadian, differing only as to the tongue he speaks; he speaks differently because he is different. I remember something that Murray Ballantyne said at a conference on Canadian affairs, held at Laval University in 1961. Mr. Ballantyne, who is perfectly bilingual, said that when he spoke French he felt like a different man. Differences in language are differences in ways of thinking.

Now, whenever an important issue is discussed between two groups that feel and react in such different ways, we witness the Quebec Government instinctively identifying itself with the French-speaking majority in Quebec, and the government in Ottawa instinctively identifying itself with the English-speaking majority in Canada, whatever the language or the cultural background of those who, in a given circumstance, constitute authority. Such is the iron rule of democracy which we cannot escape.

Mr. Chairman, we would be merely scratching the surface if we were to equate Canada's constitutional problem with a question of personal or linguistic rights. I am not saying that these rights are unimportant; what I am saying is that they do not reach the root of the problem which brings us here today.

If there is a crisis in Canada, it is not because our Country is made up of individuals who speak different languages; it is because Canada is the home of two communities, two peoples, two nations between which relations need to be harmonized.

The important thing for French-Canadians from Quebec is not to be allowed, as individuals, to speak their mother tongue even in regions of the Country where it has little chance of being understood; what they want is the opportunity to live together in French, to work in French, to build a society in their image and to be able to organize their community life so that it will reflect their culture. And this cannot be achieved unless the Government of Quebec has powers proportionate to the responsibilities it is expected by its population to shoulder. Without Quebec, there might still be French minorities, but French Canada would no longer exist.

What we are seeking together, therefore, is the constitutional system most likely to reconcile the free growth of Canada's two cultural communities with the requirements of economic solidarity. And since it is mostly in Quebec that one of these two communities can ensure control over its destiny, the problem may be summed up by asking, and it has been thus for many years: what must be done to have a strong Quebec within Canada?

I believe that the best answer to this question still lies in a federal system of government, provided however it is an authentic federal system, not a deceptive front.

In order to achieve this authentic federalism, we must see to it that the distribution of powers between the two orders of government is not left to the goodwill of a central authority, but is based on a written Constitution, recognized and respected by all as the Country's fundamental law. In other words, there has to be priority of the Constitution over the two orders of government, not priority of the central power over the federated states. Otherwise, even if we were to decentralize at the administrative level, we would still live within a unitary state, not a federal system.

At the present time, as a result of the evolution of society and the major part played by governments in activities which would have defied imagination one hundred years ago, it is absolutely essential and it is becoming increasingly urgent to re-examine the entire question as to how powers should be distributed between the central and the provincial governments.

Our present Constitution - I almost said our old Constitution - is silent on so many matters that it often gives us no inkling as to which sector of government is responsible for which field of endeavour. Premier Robarts has just said that in the circumstances this could not be avoided. How could the Fathers of Confederation have known what would happen in our first century. And above that, the Constitution is not always abided by. Thus in the long run, thanks to its financial resources, the Federal Government ends up with actual jurisdiction over matters where Quebec's interest is vitally important.

This question is equally pressing for the other Provinces. We all bear witness that our present Constitution has not stood in the way of systematic and authori-

tarian federal encroachment upon provincial jurisdiction, encroachment which, during the last few months, has assumed unprecedented proportions, abetted as it is by federal pre-emption of revenue sources at a moment when all the governments closer to the people suffer an increasingly paralysing want of financial means.

The present Federal Government, strengthened by its lion's share of tax funds - a situation against which we can never protest too strongly as being unjust and contrary to the legitimate aims of the Provinces, thinks it can meddle everywhere: in educational radio and television, in cultural matters, in urban affairs, in offshore mineral rights, in securities, in higher education, in university research, in water, air and soil pollution, in highway transportation, in foreign affairs even when they relate to education and other matters under provincial jurisdiction, in community development and even in civil law through succession duties. In its eyes, one would imagine that provincial governments are, at best, administrative units expected always to play second fiddle to a rich, all-powerful and overbearing federal power.

Nothing proves this better than what seems about to take place in the field of health. We have talked about this at two Federal-Provincial Conferences of the Ministers of Finance held last November and December. This field is clearly a provincial matter, and for which the Federal Government would extract money from taxpayers in all Provinces so as to set up a system of which the vast majority are now in no position to take advantage. It is not that the Provinces cannot establish such systems but they would do it according to their means and in their own time. Contrary to the spirit and the letter of the present Constitution, direct taxes are levied for Provincial purposes. Provincial government priorities are thwarted. And again as always, the tax-payer is the victim of this taxation chaos. This is in line with the preoccupations expressed here about the problems which provincial governments, especially Quebec's, must face in writing their budgets. Our Minister of Finance, who is on my left, has talked about this to his colleague in the Federal Cabinet last December in much the same fashion as I had talked to him last November. And I want to say again that the victim of this chaos is, as always, the taxpayer.

What is more, this taxation chaos has both economic and constitutional repercussions which we cannot overlook.

The Quebec Government is acutely aware that it must help give its people the economic tools they still lack, just as it is painfully aware of the wide disparities to be found between its different regions. And it knows it must make sustained efforts to spur development in more than one field.

But how can it possibly do this when the present division of tax revenue in Canada prevents it not only from taking sorely needed economic actions but frequently from discharging as fully as it would like all its constitutional obligations in the fields of health, education and social welfare? The taxation problem is therefore inextricably bound up with constitutional review, since availability or lack of adequate financial resources is the one factor which determines whether each sphere of government can carry out its constitutional responsibilities in the manner expected of it. It is vitally important that the Federal Government understand what is at stake here - the Country's very ability to function properly.

My dear colleagues, for all these reasons, we need a completely new Constitution, tailored to the ideas and needs of today. This is certainly the most important task we have ever decided to undertake together, because on it, the very future of our Country and the welfare of all our citizens directly depend. We may need a bill of human rights, but I say that we need also a bill of provincial rights.

Indeed, constitutional reform offers the only permanent solution for the deep crisis afflicting Canada. We need fresh agreement on basic issues; we must state very clearly the ground rules for relations between governments; we must reconsider the constitutional structure of our Country, the form it is to take, the ends it is to pursue, so that our political institutions may not only meet the needs of the hour but those that will arise in days to come. Above all, it has become essential to give French Canada - of which Quebec is the mainstay - a deep conviction that it can find in the Canadian federation all the elements requisite for its own development. Because we must recognize that for some time this feeling of confidence has been more and more subject to question and that doubts have crept into the minds of many Quebecers.

The questioning and uncertainty cannot last forever. Choices are inevitable. Movements have already come into

being whose avowed purpose is to end the federal experiment. Hence it is more and more pressing to submit for our people's consent a new instrument of liberty and solidarity.

Obviously, Quebec has very definite ideas about the main lines that must govern our new Constitution. They will be found, as I have said before, in the various briefs we have presented to past conferences and in the working document prepared by our officials.

We believe, Mr. Chairman, that in a Country as ours, it would be neither wise, nor human, nor even efficient to wish every thing uniform. We think that, in certain fields, a right of option will always be necessary, not only to give Quebec the degree of autonomy it needs but also to allow the other Provinces to delegate to, or use jointly with, the central government those functions which they do not care to use alone. It would be, in our opinion, an unfortunate mistake, of which we would all suffer, to insist that in all spheres the same measures apply in the same manner to all the Provinces.

To those frightened by the drafting of a new Constitution, I merely recall that on it depends the very future of Canada. The task is not beyond the intellectual scope, the inventive ability, the strength of friendship inherent in Canadians of either culture.

Thank you.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you
Prime Minister Bertrand.

We have the pleasure of hearing from the Premier of Nova Scotia, The Honourable Mr. Smith.

Opening Statement by
THE HONOURABLE G.I. SMITH
Premier
of the
Province of Nova Scotia
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969

Opening Statement by
THE HONOURABLE G.I. SMITH
Premier
of the
Province of Nova Scotia
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Mr. Prime Minister, I find it interesting indeed to wonder whether or not Mr. Smallwood's fear about the atmosphere was due to what had happened or to the fact that I had to make a speech. In any event, he has given me a good send-off one way or another.

Since last we met, Sir, there have been events which are reflected by new faces at this Conference, among them a new one at the head of the table. I offer the warm congratulations of all Nova Scotians to you, Sir, on having attained the highest elective office in our Country. I can assure you that we come to this Conference with goodwill and a sincere desire to make a contribution to its success. And we shall try to make your task as Chairman no more difficult than it has to be. And we indeed venture to hope you will find it a pleasant one.

The former Prime Minister, The Right Honourable Lester Pearson, brought to our first Constitutional Conference a year ago all his great talents. And it is a pleasure to note that we are honoured today not only by his presence as an observer, but also by the presence in the same capacity of another former Prime Minister, The Right Honourable John Diefenbaker.

The late Prime Minister of Quebec, the Honourable Daniel Johnson, will be sorely missed, for he brought to our Conference warmth, sincerity, and a great ability to express the hopes and aspirations of his Province and his people in a quiet, well-reasoned, forceful manner. I offer to his family and to the people of Quebec my deepest sympathy on their tragic loss, which indeed was a loss to all Canada.

The former Premier of Alberta, the Honourable Ernest Manning, who has served his Province and his Country so long and so well, no longer sits with us. We hope that he will enjoy many years of peace and happiness.

To the new Prime Minister of Quebec and the new Premier of Alberta we extend a most hearty welcome.

It is a matter of regret that the Premier of Saskatchewan is prevented by illness from being with us today. I am sure all will join with me in wishing him an early and a complete recovery.

Now, Sir, we do not believe that the purpose of this Conference is to review in any detail what has taken place in the two previous Conferences on the Constitution. It is, we think, rather to move ahead on the basis of what has been done so that now we may make further progress. However, I should like to review in just five sentences the position taken by Nova Scotia at the Constitutional Conference last February:

We share the view that there is an acute constitutional situation in Canada.

We believe that the two Canadian problems which are most important and most diverse are those relating to language and culture and those relating to regional economic disparity.

And after hearing what we have been hearing recently, it may be necessary to add another to this group - the fiscal problem generally.

We recognize the need for some guarantee of human rights but we suggest that the method used to give this guarantee has to be worked out and examined very carefully.

We know that Canada has a great potential but whether that potential will be realized depends upon Canadians and their attitudes and upon the willingness of all of us to pay a price for national unity.

We assert that the Constitution of any country should be such as to give all citizens the best chance to live satisfactory lives and that our Constitution should be fitted to the needs of the Country and its people.

That was our position last February. It is our position now. And, as we begin our discussions, let me say that Nova Scotia is prepared to consider most seriously any proposal that holds promise of contributing to national unity and to a better and more satisfying life for every Canadian no matter where he may live.

We believe that creating a new Constitution which is more in keeping with the present-day facts of Canadian life is not an easy task. We think it cannot be done quickly. We think we have to be prepared to examine the whole Constitution, to exchange ideas, to reconcile, if possible, many conflicting points of view. And in some instances, Sir, perhaps all of us will have to accept proposals which we do not particularly like if by so doing we can eliminate areas of complete disagreement but come to a solution which at least we can accept.

As I say, we approach this Conference with open minds and with a willingness to examine and consider proposals which at first glance may appear to us to be quite unacceptable. We believe that all others will do the same.

While we suggest that creating a new Constitution will require time, patience and wisdom, we also suggest that there are things to be done that do not have to wait for agreement on a new Constitution. And here I refer specifically to language rights and to regional disparities.

In the field of language and culture in Nova Scotia we have already taken some significant steps:

The House of Assembly at its last session, for instance, passed a resolution unanimously affirming the

right of every Member to address the House in either the English or the French language.

The Minister of Education announced the policy of the government regarding teaching in French as the language of instruction and the teaching of French as a second language in the schools of Nova Scotia based, Sir, I might say, on the assumption that the Federal Government is prepared to give substantial financial assistance. The policy is that:

in areas where the number of French-speaking people make it appropriate and in accordance with the wishes of the French-speaking minority, provision will be made for the use of French as the language of instruction:

in any other areas of the Province where interest is expressed, school boards are authorized to decide whether selected courses or courses of selective grades will be taught in the French language as part of the school programme supported by the Province:

we are going about providing improved facilities generally for the teaching of French as a second language:

we will establish a central translation facility so that we may correspond with our citizens in either of the official languages:

and we intend to provide instruction in the French language for the members of the public service if a sufficient number indicate interest in acquiring competence in this language. And we think they will.

As to teaching in French as the language of instruction, our position is that there should be provided in Nova Scotia for its French-speaking people the same rights and opportunities as are afforded to the English-speaking minority in the Province of Quebec.

And it is our position that the extra costs arising from the effort to make Canada bilingual ought to be borne by the people of Canada through the Federal Government, for it is a national problem.

We have noted the suggestions in the second volume of the report of the Royal Commission on Bilingualism and

Biculturalism. And it seems quite clear to us that implementation of the suggestions is bound to result in very heavy additional costs. It also seems pretty clear to us that for the Provinces, finding present costs of education almost exceeding their capacity to bear and growing at a tremendous rate, they will not be in a position to accept very much in the way of extra costs.

But whatever the language problem may be, we are ready and willing to continue with others to seek solutions which are in the best interests of our people.

Sir, I cannot express too strongly the necessity of the most meaningful consultation between the Government of Canada and each Province before bilingual districts are established in a Province. For the Government of Canada to establish a bilingual district in a Province in terms of personnel may involve only half-a-dozen people - half-a-dozen public servants. But it is very different in the case of the Provinces who provide so many more services at that level. For our Province to act in a similar manner would necessarily involve a large number of provincial public servants. One of the facts of life is that at the present time in most Provinces I am sure (certainly in our Province) public servants with real competency in both languages are just not available. It should be clearly understood that with the best will in the world - and I hope that is the kind of goodwill we will have - we could not find for some time an adequate number of such public servants. And there is thus the danger, unless the situation is made very clear, that the mere establishment of bilingual districts will be considered by those whom they are intended to benefit as a promise of immediate fulfilment which cannot be met for a very considerable time. If our educational programme proves successful, this situation over the years will, of course, improve.

Regional disparity is another matter which we believe should receive as urgent attention. We do not believe that it will ever be possible to achieve absolute equality of development as between the regions of Canada, or that we should try to do this. And we do not advocate any action which will slow down the development of those regions which are growing more rapidly, and continuing, as they do, to contribute to the nation as a whole.

Let me say, too, that we do not seek subsidization for unproductive economic development. What we are

seeking is assistance in developing a viable economy of greater growth.

We believe that it is possible, desirable and necessary to reduce very greatly the disparities of development so clearly apparent as between regions. We also believe this can be done without slowing down the rate of economic growth in other regions.

Further, we believe it is clearly in the national interest to do this. We believe Canada can best develop her full potential if all regions are making their maximum contribution to the general growth. And this growth as a nation is bound to be impeded if large portions of the Country fall and stay substantially behind the rest of the Country.

The unity of Canada is threatened by regional disparity just as it is threatened by linguistic or cultural differences. But this threat to national unity is not new. I should like to refer you to a statement in the report of the Royal Commission on Dominion-Provincial Relations, as it was then called, constituted by the Government of Canada in 1937 which examined the allocation of responsibilities and powers of the federal and provincial governments and the results of such allocations, and this is the quotation I wish to mention:

" More important than all these considerations taken together is the danger to national unity if the citizens of distressed provinces come to feel that their interests are completely disregarded."

Mr. Prime Minister, I should like to say a few words generally about distribution of powers. I suggest that too often we talk about powers when in fact we are talking about responsibilities of governments to the Canadian people. After all, these things we call powers are only the means whereby governments discharge these responsibilities.

I join with others in saying in our view a great deal of the trouble we are experiencing in Canada arises from the fact that the distribution of responsibilities and powers that were relatively well in balance in 1867 are no longer in balance, and indeed are far from it. Changes have altered the whole concept of the place of

government in our society. Welfare, Health, Education and Highways, for example, which in 1867 imposed little responsibility on government at any level -- and certainly not at a provincial level -- are today regarded as being directly the responsibility of the provincial governments, and very heavy and costly and important responsibilities they are. These responsibilities of the provincial governments have grown, and continue to grow, but as far as the Constitution is concerned, the fiscal powers of the Provinces remain unchanged. Let me quote again from the same Royal Commission I mentioned before which recognized this problem when it stated:

" It is clear that the present situation in Canadian public finance represents a wide departure from the conception of the Fathers of Confederation and from the spirit of the financial settlement which they devised."

This Conference is faced with fiscal difficulties and differences which are immediate and pressing. I do not minimize these differences nor the need for resolving them, but we feel we cannot emphasize too strongly that we should not and must not permit one major problem to prevent us from giving most careful consideration to all aspects of constitutional reform.

I ask you to bear with me, Sir, while I quote again another point from the report of the same Royal Commission, which although it was written some 29 years ago, expresses in very clear language the situation in which we find ourselves today:

" Canada's present and prospective economic condition makes it clear that we can neither continue to afford the friction and waste of conflicting policies, nor the greater loss due to paralysis of policy arising from a possibly obsolete division of governmental responsibilities and powers."

We believe that today that is just as true. We cannot today afford the friction and waste of conflicting policies, and I suggest, Sir, that one of the remedies for this situation is greater consultation. Furthermore, Prime Minister Pearson said not long ago:

" We question whether it is any longer realistic to expect that some neat compartmentalization of powers can be found -- Instead we suspect

that the answer is to be found in the processes by which governments consult one another and by which they seek to influence each other before decisions are finally taken."

There is no point in dwelling on old grievances or refighting old battles, but, Mr. Prime Minister, I do wish to bring to your attention that at times in the past there has been a lack of this meaningful consultation, and it should not carry on into the future if we hope to develop the degree of co-operation which is necessary to the harmonious workings of a federal union.

No doubt as we go along each government will have its views, and indeed no doubt now has its views as to matters it considers fundamental and on which it will feel it necessary to take a strong stand. We suggest we would be making progress if each government would now identify these areas so we may all begin to work effectively, and to reconcile views which at first glance are bound to present many differences.

Nova Scotia considers the following matters to be of this class, and I do not mean that we consider our stand on them as to be inflexible, but rather that we consider them sufficiently fundamental that we have to take a strong stand on them.

First, the central government should be strong enough in authority and in resources to govern well internally, and to represent us well in the community of nations, and to provide effective national defence:

regional disparity, including equalization, should be dealt with:

language rights should be protected:

the head of the state should be a Constitutional Monarch as is now the case:

the central government should be based on the parliamentary system:

the division of responsibilities between the central government and the Provinces should be on the basis that each responsibility should be where it can best be

exercised in the interest of Canadians, remembering, however, the necessity of keeping the central government strong:

taxation powers should be related in a realistic manner to the responsibilities of each level of government:

finally, it should be possible to amend the Constitution in Canada.

As we debate the great issues we face -- and they are great issues -- I should like to suggest that we do so keeping some other very important things always in mind.

The first, this Country was not founded primarily because of economic or geographic considerations. It was founded because people of diverse interests and diverse origins and culture wanted to be free to follow their own destinies as a united entity of their own rather than as part of some other Country. It was founded on sentiment. It can live only for the same reason, the desire we have to maintain our own Country with its diversity of people and of interests and of resources.

The second is that whether we succeed depends upon our individual and collective wills and attitudes. If we do not much care about finding sensible answers, it is not likely we will find them. But if we are determined to find them and to keep at work until we do, then I am confident that find them we will.

The third is that none of the eleven governments taking part in this Conference can reasonably expect to have everything decided in accordance with its views. But this is nothing new. This we find in every aspect of life.

We are here seeking the means whereby we can create and preserve in this Country a lasting environment in which our people, whatever their origins or wherever they reside, may have the best chance to live happy, contented and productive lives. And as we go about this, surely it is well worth our while to keep in mind what a Country it is.

Perhaps it is the richest in the world in natural resources. And even in the less developed regions we

have or are approaching a standard of living among the highest in the world. Where could we live in greater personal safety? Although many of us are limited by economic, cultural, linguistic or racial circumstances, where is there a greater chance to live as we like? To say it all in a few words, where is there a better place to live?

Surely to keep this Country as one Country, as our Country, is worth many conferences, many compromises, and a long and arduous search for ways to accommodate ourselves each to the other. Let us have the conferences. Let us make the compromises. Let us make the search, long and troublesome though it is, but in the name of all Canadians, let us do so to keep Canada.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Premier Smith.

We will now have the pleasure of hearing from the Premier of New Brunswick The Honourable Louis Robichaud.

**Opening Statement by
THE HONOURABLE LOUIS ROBICHAUD
Premier
of the
Province of New Brunswick
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969**

Opening Statement by
THE HONOURABLE LOUIS ROBICHAUD
Premier
of the
Province of New Brunswick
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Mr. Prime Minister, my colleagues, ladies and gentlemen; may I extend to you personally the warm wishes and greetings and also the personal warm greetings and wishes of the government and of the people of New Brunswick. We know that yours is a formidable task, especially at this time of history, that of responsibility for developing new initiatives for Canada, during a vital, during an exciting time, and also at times a trying, a very trying period in our history. We in New Brunswick are confident that you will succeed in your efforts on behalf of all the people of Canada.

Since last we met, Canadians suffered a great loss in the death of the Honourable Daniel Johnson. A vital force in our country, his record of public service was matched by few Canadians in this century. We are all glad in New Brunswick to see Premier Bertrand here in such good health today. Premier Bertrand is a close neighbour of ours and we look forward to continued cooperation in matters of mutual interest.

Another new face we see here today, Mr. Strom, and we look forward to working with him. We will, of course, miss Premier Manning, his predecessor, who attended more Federal-Provincial Conferences than any other Premier, and

that includes the Prime Minister. The outstanding service of Mr. Manning -- and I may add, perhaps, his longevity in office gives us all something for which to aim.

I am happy to learn that Premier Thatcher is doing very well in hospital. We in New Brunswick wish him a very rapid recovery.

We are all here today to attempt to chart new courses for our constitutional journey as a federal state and a modern developing nation in a modern, changing world.

May I say at the outset that the Government and people of New Brunswick are dedicated to the preservation of the federal concept of nationhood in our Country.

While we seek to chart new courses, many existing channels which have served us well for one hundred years will continue to remain of great importance to us.

Our task is to up-date the Constitution, and to make its application meaningful and acceptable to all the Provinces and the Federal Government. Where necessary we must not hesitate to rearrange or even restructure divisions of power currently existing in order to achieve maximum advantage for all the people of Canada, one Canada, strong and united.

A Constitution must provide a country with a meaningful framework within which to operate for the benefit of all its citizens.

The Constitution will have to be flexible enough to meet all the exigencies which can occur in a Federal State made up of different regions, cultures and languages. At the same time, the Constitution must be a fortress, with entrenched basic fundamental human rights for all Canadians. Somehow, we must bridge the two concepts.

We in New Brunswick believe that the need of Canada is very simple to express, but not so simple to achieve. We believe that there is a national need for linguistic, economic and cultural equality of opportunity.

I would hope that we would keep this concept before us in our deliberations.

We should not minimize the achievements of last February and after. And I should also mention the Confederation of Tomorrow Conference called by Premier Robarts. They should be seen not merely in terms of the specifics of the decisions reached, but also in the context of the alternatives, had some consensus in the midst of tension not been arrived at. Let me recall, therefore, what it was we achieved. Perhaps most important of all was the recognition of the need to come to grips immediately with school and language rights so that French and English speaking might find educational opportunities in both languages wherever the population densities so justified, as described generally by Volume 1 of the B and B Report; and also, a new understanding emerging to the effect that in principle Canadians should be able to deal at all levels of government, and with agencies and the Courts in one of the two official languages, assuming some practical population minimum justifies the administration costs and arrangements.

The resolution of the Conference last February setting out this consensus may have had the blandness and obscurity that communiqués sometimes must possess if they are to be born at all; but there can be no doubt as to what was the intention of most of us there -- it was to lay the foundations for the new age of equity that was to fashion a new Canada of emerging language rights.

The second of our achievements in February was the decision to establish a continuing Constitutional Conference comprising the Prime Minister and Premiers representing all the eleven governments as we are assembled today. Here was the formal fashioning of a new political and "constitutional" instrument able to assist in national decision-making even though the formal and final mechanisms for constitutional change have yet to be determined.

Moreover, in aid of the Constitutional Conference, we established, last February, the Continuing Committee of Officials who since May have met in five sessions and whose intensive, if preliminary, examination of the problems of constitutional review, and possible reform, has provided the very basis for our meeting today and has given us the tools with which to determine, as heads of government, the direction that the constitutional dialogue henceforth should take. Indeed, the Report of the Continuing Committee of Officials to this Conference is now

before us together with the very useful Briefing Paper produced by the Secretariat and describing the ebb and flow of the discussion in that committee.

Together these documents will enable all governments and the public to have insight into and help provide guidelines for the effective direction that the debate over the Constitution should take. Moreover, last February we not only established the Constitutional Conference of Prime Ministers and Premiers and the Continuing Committee of Officials with the Secretariat to serve both, but we also decided on the outlines of a study agenda, and I am glad to see from the report and the briefing paper that the Continuing Committee had these several subjects fully in mind when working out their own structure for analysis and discussion.

Our collective views here should contribute to general public understanding and should provide some specific directions for the work of the Continuing Committee of Officials. I cannot refrain, however, from making one general comment about the discussions we are to have.

It is my view that we would be unwise not to recognize how much study is required by governments, by officials, by experts and even by the general public before many of these questions begin to suggest appropriate political and constitutional solutions, both of language and of principle.

Finally, last February, we were given by the Federal Government two valuable instruments for our on-going efforts: an outline of a proposed Charter of Human Rights and an essay on Federalism for the Future. Both of these documents have been influential in their general impact upon the Canadian awareness of the issues involved in any possible constitutional reform, and perhaps even more on the interesting and probably vital link between the idea of a Charter or Bill of Rights, and the emerging consensus on language rights. Indeed, we authorized the creation of a Special Committee to study language rights in depth. Its report now before us has disclosed that there continue to be substantial differences of opinion among governments as to the proper mechanism for expressing or guaranteeing language and school rights.

New Brunswick accepts fully the language consensus reached at an earlier Federal-Provincial Conference. We accept it in fact and we accept it in spirit.

New Brunswick believes that the Official Languages Bill in its entirety now before Parliament deserves support of all Canadians.

It would be a tragic development for our Country if the spirit of consensus reached a year ago should through this misunderstanding become so diluted as to become meaningless in practical terms.

Over the years New Brunswick has made important strides forward in the field of bilingualism and bi-culturalism.

May I make clear therefore that New Brunswick looks upon the "Language Rights" concept emerging from the Conference of last February as perhaps its primary achievement of substance and continues to hope that all governments are moving towards programmes of implementation consistent with their resources, population needs and distribution. Indeed, to New Brunswick it is important that the language programme be given the highest priority paralleled by every effort to "entrench" such rights whether alone or in relation to the proposed Charter of Human Rights; but whether entrenched or not, every effort should be made, in our view, to proceed legislatively and administratively, however difficult or delayed may be the constitutional issue itself.

The New Brunswick view was placed in perspective in a White Paper on language equality and opportunity presented to the New Brunswick Legislature in the fall.

A key paragraph read:

"The composition of the population of New Brunswick more closely resembles that of the proportions to be found in Canada as a whole than the composition of any other province. It is therefore fitting that we should, in our relations with each other, achieve in practice the goal of our nation: cultural and linguistic equality of opportunity".

The position of minorities was clearly put forward:

"A principal objective of the achievement of linguistic and cultural equality of opportunity is the protection of the rights of minority groups wherever they may exist".

"The test of the effectiveness of policies must be viewed in the light of the position of minorities, within a country, a province, a county or a community".

The White Paper makes very clear the position of the New Brunswick Government:

"The Government believes that New Brunswickers, in their Province, should, as a matter of right be entitled to use either the English or French language in all official dealings with provincial institutions".

"The Government believes that New Brunswickers, in their Province, are entitled to have provincial acts, regulations and proceedings available in both the English and French languages".

"The Government believes that New Brunswickers, in their Province, where they live in sufficient numbers, are entitled to receive their education in either the French or English language".

"It is the intention of the Government to enact legislation, to make existing rights operative, and where necessary, to create the required machinery, to achieve the objectives of linguistic and cultural equality of opportunity in New Brunswick".

New Brunswick wants to work closely with the Federal Government to ensure that complimentary federal legislation is passed so that New Brunswickers may enjoy meaningful linguistic and cultural equality of opportunity at both the federal and provincial levels.

New Brunswick supports the Prime Minister in his efforts to achieve equitable treatment for all.

If bilingualization does not fare easily or well in New Brunswick it will not be for the want of effort, or decision; only for want of resources. All Canada, therefore, has a stake in the New Brunswick programme and future.

Accordingly, we hope that the Federal Government will be prepared to assist the provinces in the implementation of bilingual and bicultural programmes. In implementing a programme of such important national significance, the level of federal financial participation must of necessity be substantial.

The plain truth is that considering the high proportion of English to French-speaking Canadians in the Province, and their physical distribution, the per capita costs of having mother tongue French-speaking, mother tongue English-speaking, and bilingual schools as well as provincial-municipal government, administrative and Court facilities in both official languages, are likely to be the highest in Canada - high both in the initial capital outlays for buildings and personnel training and high in the continuing per capita operational expenses.

It seems, at times, that there is an undue emphasis on purely materialistic values at the expense of the real values by which we live or ought to live. Linguistic rights, as we have stressed, are vastly important; so are the inequalities engendered by regional disparities.

However, language as well as the material well being of a population is an integral part of what is called CULTURE. Perhaps it could be defined as "a way of life". Those human values which constitute our national make-up must be taken into account in the revision of the Constitution. A Constitution is for people, not for governments. May I urge all my colleagues to keep this distinction in mind.

I believe that so much of what we have achieved, and will achieve in our nation is based on trust. I am an optimist. I believe that in dealing with such fundamental human rights as in the field of linguistic equality of opportunity that we will succeed, because of trust among the people of Canada, and because the people of Canada want us to succeed in this area.

Let us reflect for a moment on the special problem of regional disparities which played so important a part in the debate last February and which remain of vital interest to the Country as well as to all of the other Atlantic Provinces.

I am very much aware of how difficult it is to convert this concept of regional disparity into a constitutional terminology as such. I do not argue now, nor did I suggest earlier, that the constitutional régime of the future must somehow stipulate specifically that all regions shall be equal in their revenues or economic strength, governmental and individual, as Mr. Smith has just said. But somehow this belief must pervade any reconstruction of the framework of Canadian society. Somewhere words must be found that reconcile all Canadians to a sense of common responsibility for all with minimum standards for all, wherever they may live.

Nature and accident have given advantages of resources and market location, of technology and opportunity, to some parts of our Country over others. Perhaps it is impossible to envisage the total balancing of these geographic, resource and technological inequalities. But not to recognize them, not to have a fundamental national policy about them, is to perpetuate inequality as an implied national pattern, yielding to nature and accident what should be overcome by effort and inventiveness. Without pre-judging therefore what the Constitution will say, it is clear that New Brunswick must envisage national policies that deal vigorously with regional resource, capital or technical deprivation. We must do something about it.

New Brunswick asserts, however, that policies and programmes to achieve regional equity are only effective if there is a strong Federal Government to help such objectives and their realization. New Brunswick will therefore continue to insist on this issue as a legitimate subject for the anxieties of the Atlantic Provinces and their officials as they struggle with the Canadian framework of the future.

The nation, I believe, is prepared to accept an imaginative programmes to promote the full development of all regions of Canada.

Neither the conception nor the pursuit of such a conscious programme of regional economic development for the Atlantic Provinces will be easy tasks. Both will require effective joint action by the Federal and Provincial Governments concerned. It is essential that the commitment to such a programme be a national commitment. It is this feature which makes regional economic development a matter for consideration at this Constitutional

Conference. Regional economic development is, in New Brunswick's view, a fundamental objective of Confederation.

The Prime Minister of Canada has made the point clear in a rather emphatic way; and I quote the Prime Minister of Canada:

"The second threat (to Canadian unity) is if the under-development of the Atlantic Provinces is not corrected - not by charity or by subsidies but by helping them become areas of economic growth - then the unity of the Country is almost as surely destroyed as it would be by the French-English confrontation".

We are aware that the Federal Government is in the process of creating both a structure and a programme for regional development. A new Department of Regional Development is being established, and new policies are being generated. We are very pleased with this progress. It is a major step in the right direction.

As I have pointed out before, however, there is a need to consult more effectively with the Provinces on these matters. Regional economic development involves careful - but joint - planning, cooperative federal and provincial efforts. There is at times a tendency for provinces to develop their plans in isolation; the same tendency also exists at the federal level. All of us, Provincial and Federal Governments, must work more effectively together.

On regional development, New Brunswick is willing and anxious to consult with the Federal Government. We are willing to consult on both the structure and the programme for a major assault on regional disparities. We must not end up fighting shadows. All of us must participate more effectively in finding development solutions.

New Brunswick stands prepared to co-operate fully with the Federal Government in devising and implementing an effective programme of regional development.

It is my hope that this Conference, along with its successors, and supported by the efforts of the Continuing Committee of Officials, will find answers to the Canadian dilemma, uniting our language communities and

geographic divisions in this age of change, and providing, at the end, a Canadian answer satisfying some new national sense of equity and future history.

To achieve this objective we believe that we must adapt our constitutional relationships in our Country to make them more inter-dependent in nature.

Much of what we want to achieve for our Country comes back, of necessity, to trust and faith: trust in the good sense and goodwill of Canadians; faith in the destiny of our nation - a faith shown by more than a century by all Canadians.

There is more to unite us than to divide us.

Thank you very much Mr. Prime Minister.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Premier Robichaud.

Five of us have made opening statements and six remain. I think it is important that everyone have a chance to state the position of his government very clearly and at whatever length is needed. It is a year since we have foregathered. Times have changed. Some of the heads of delegations have changed. And I think we should plan to foregather at two-thirty this afternoon and hear the other six remaining heads of government, after which there may be a little bit of time to begin discussing the agenda. If not, I am sure we will be able to finish discussing it over dinner tonight.

If that is agreeable, the Conference is adjourned until two-thirty this afternoon.

Opening Statement by
THE HONOURABLE WALTER WEIR
Premier of Manitoba
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969

Opening Statement by
THE HONOURABLE WALTER WEIR
Premier of Manitoba
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Thank you very much Mr. Prime Minister and provincial representatives, ladies and gentlemen.

Mr. Prime Minister, I notice that you have just put your flower back up. I am pleased that you did that because I was a little surprised when I saw that carnation drooping and was wondering if it was like a flag being at half mast or something of that nature. So I am pleased to see the red carnation is back where it was.

At the outset of my remarks I want to thank you, Mr. Prime Minister, for your opening statement in which you recognized, as has every speaker so far, the fundamental need of a firm economic base in advancing the cause of Confederation in our second generation of nationhood.

The assurance that you gave us that the agenda can be fully discussed after the opening statements of the First Ministers will provide us with an opportunity of coming to grips with this central issue, and I am counting on the opportunity to get from you, Sir, a declaration that you are fully as prepared to make the present constitution work while we work toward constitutional reform.

I speak as the political head of one Province of Canada. I speak as one who loves his Nation dearly. I speak as one who will do everything in his power to build our Nation, to strengthen and sustain its linguistic

heritage; to work toward equality of economic opportunity and cultural development of all Canadians.

The creation of a new or amended Constitution by your own statement, Mr. Chairman, may take many years. Eight or ten years. Under the Constitution as it exists, language and cultural rights are amply protected, and in recent years have been extended to a considerable extent. In fact, we in Manitoba have introduced French as a language of instruction. So there is no fear of their being eroded.

But what is being eroded, and which must be protected now, while we wait a new Constitution, is the ability of the Provinces to meet their constitutional requirements with the present tax base. The economic foundation of our Nation is threatened. The Federal Government has been aborting the present Constitution. The one matter, more than any other, which affects the unity of the Nation is the lack of fiscal equity, which is a basis of equality of opportunity.

So when I asked that urgent fiscal matters be considered first, I did so because I believe this must be done at once just to keep the Nation together.

The impression has been created that the Western Provinces were coming to this Conference in a narrow, selfish and greedy way. We are not money hungry or power hungry. We want the means -- we need the means to carry out our responsibility. We of the West have heard ourselves described as trying to raid the federal treasury heedless of certain current urgent threats to Canadian unity. Mr. Chairman, I know as you know that those suggestions regarding Western Canada are unfair and untrue. Let us make it quite clear that Western Canadians are just as concerned with the preservation of Canadian unity as Canadians in any other part of our Country, and I would like that to be noted by everyone concerned.

Outside of the hothouse atmosphere of Ottawa -- out where the people are living and working -- our main problems are known to be fiscal and economic in nature.

Canadians in all parts of the Country want us to preserve or create the atmosphere of prosperity and equality in which they and their children may find new jobs, better income and life without excessive taxation.

In less than twelve months in successive tax announcements the Federal Government put on the biggest new tax bill in the Country's history -- over a billion dollars. Manitobans will be paying something like \$50 million of this total increase.

Your timing of tax announcements on occasion seems to have been for the purpose of beating the Provinces to any possible revenue from the joint tax field, with no consideration for their responsibility to provide services or raise supporting revenue. This is made still worse by the imposition of the so-called social development tax. You managed to lock us out of a tax field to which we are as entitled as you, and for a purpose which is an intrusion in our responsibilities.

We have now forced on the taxpayer a major new shared cost programme -- medicare -- although the terms were strenuously objected to by a majority of Provinces. Manitoba is convinced that if the Federal Government feels so strongly about medicare, and refuses to allow the Provinces to have the flexibility required to develop a programme best suited to their needs, if the Federal Government insists that its terms and conditions be met, and if the Federal Government considers medicare a national priority, then it should really take over completely. It has done so with family allowance, with unemployment insurance. Why not in medicare, under the same terms and conditions?

The Government of Canada has arbitrarily cancelled or reduced shared cost programmes with no consultation as to whether the programmes can be cancelled or phased out by the Provinces or whether they will require the programmes and increased provincial taxation to carry them on.

The Federal Government received the Provinces' co-operation in the Tax Structure Committee. It has chosen, however, to ignore completely the findings of that committee.

The Minister of Finance last November convened a Conference to discuss financial matters of mutual concern to all governments. He started some weeks beforehand to tell all the world that the meetings would do no good -- that he had his mind made up.

There must surely be a limit to the total tax load which is reasonable to be borne by the Canadian

taxpayer.

The Province of Manitoba is simply asking that we show our concern and have reasonable consideration in the direct tax field to carry out our responsibilities while we are considering constitutional change.

In the next fiscal year Manitoba intends again to balance its budget and not increase taxes.

Mr. Chairman, if your government should be attempting to prove the need for constitutional change by refusing to try to make the present Constitution work, you will surely fail because any Constitution requires the goodwill and understanding of those that are subject to its terms and conditions. If one partner under this Constitution refuses to allow it to work, will we likely to be more successful with an amended or a new one?

Against this backdrop the most important national issue that Canada has faced since Confederation is before us now. The consideration of the Constitution under which we shall continue to exist as a nation.

The Constitution is not a dry document of interest only to law-makers, historians and the courts. It is a living document that affects the way in which we shall continue to be governed and through which Canadians are served.

The Constitution is of great importance to any country, particularly those of the democratic tradition because it enshrines the principles and the pattern of government.

Some states attempt to capture this fundamental law in a written document. The most extensive constitutional documents, however, cannot contain all the principles or the entire framework of government.

Our Fathers of Confederation who assembled at Charlottetown in 1864, and again at Quebec, recognized the need for a principle document which would contain the fundamental of government for the new country being created. In their wisdom they did not attempt to include everything. In fact, they wanted the Canadian governmental system both in its principles and its institutional pattern to rest on several foundation stones. As a result, we have a primary constitutional source in the British North America

Act. Those who seek the nature of the Canadian system must look far beyond this Act, however.

Part of our constitutional heritage is based on the simple practice of customs and tradition, developed in Canada over the last 100 years. Some of our constitutional arrangements will be found in Acts of Parliament and decisions of courts.

Provincial Constitutions without exception consist of a variety of documents, customary practice and legal decisions.

Success in building a united and meaningful Canada depends precisely upon recognition of the underlying diversity of regional circumstances -- of resources and aptitudes, for the inherent differences between our regions impose the need for variations in the techniques to bring about development.

In a Country as vast and diverse as ours there can be no universal panacea for social and economic progress. Every region will have to find its own route and, accordingly, formulate its own priorities. Only the people on the spot can be intimate enough with local conditions to be in a position to spell out what the appropriate route is. This is why the considerations that led Canadians 100 years ago to superimpose the flexibility of federalism upon the British Parliamentary System are even more relevant today -- despite the revolutionary changes that have occurred in transportation and communications since those times.

Federalism is an appropriate system for Canada, not from some abstract philosophical standpoint, but because it has provided us with a government structured to reflect the differing conditions of geography and culture; because it is a system that provides the combination of institutional possibilities necessary to permit the appreciation and solution of regional problems by those most intimate with them within a national framework of appropriate fiscal, monetary and commercial policies.

In Manitoba's "Propositions" we emphasize there is much to be preserved and revered in the existing Constitution. The B.N.A. Act has served us well. It established a strong, proud Nation. It protected and preserved the cultural and linguistic identity of our Confederation. These have flourished under the present Constitution.

We stress that a strong Federal Government must be maintained. It must represent all the people of Canada, and act on their behalf to define national purposes at home and abroad. We must continue to have a united nation governed on a national basis by a central government. There can be no question of a Canada made up of associated states delegating limited powers to a federal government.

To help strengthen and unify the Country, to help our Nation draw together, Canada must remain a sovereign democracy in which the executive government and authority is continued in the Queen of Canada. Constitutional monarchy has worked well under Canadian conditions.

The Monarch is above political considerations, and can best symbolize the unity of the diverse regions and peoples of Canada who have added such breadth to our heritage. Through the office of the Monarch we have a rich association, unequalled in history, with people of many lands, many creeds, many colours.

Canada, through the flexibility of a parliamentary system, has the constitutional ability to ensure that people in each part of our Country -- people intimate with local conditions -- can determine the appropriate route each region can take within Confederation. Parliamentary democracy, rather than a rigid congressional system, must be maintained. Our system has evolved out of 700 years of political experience, enabling a more flexible and pragmatic approach to be applied to government.

Our government must reflect the differing conditions of geography and culture in Canada. Regional disparities do not result from a flaw in our system of government, but rather from our unwillingness to make that system work.

Within our Constitution, not only must the jurisdiction of the provincial governments be reconfirmed but they must also be assured an appropriate financial base. Only then can the Provinces carry out effectively their local and assigned responsibilities. The Constitution should confirm the constitutional equality of all the Provinces, while enabling each to make its own particular contribution to the political, economic, social and cultural development of Canada.

These are some of the broad outlines contained in our "Propositions". They are intended to meet the

underlying urgency to bring more closely together the diverse regional and cultural nature of our Nation.

There are some specific suggestions I would like to place before you.

First, priority be given to securing a formula for amendment of our existing Constitution. The Fulton-Favreau formula would appear to be a good place to commence discussion. The Parliament of the United Kingdom should be requested to enact legislation prescribing the method of amending the Canadian Constitution and to abrogate its power to enact further legislation affecting Canada.

In this fashion, any new or revised Constitution would be enacted by Canadian legislative bodies. Surely that would be the only right and proper way.

Second, each Province should be capable of amending its internal Constitution provided it is not contrary to the spirit or provisions of the Constitution of Canada. Each Province should have the maximum autonomy possible within the framework of the concept of a single nation.

Third, in regard to the distribution of residual powers, Manitoba's general approach is that the balance between jurisdictional responsibilities and revenue must be restored. As part of this we should seek a formula in the distribution of powers to allow and co-ordinate the exercise of powers which are both national and local in effect. This is certainly a difficult requirement but one which it should not be impossible to meet if the proper spirit of co-operation is restored between the two levels of government.

Fourth, the consideration of the Constitution provides an admirable opportunity to reconstitute the Senate to reflect more accurately the opinions and interests of the Provinces, as well as of the people of Canada as a whole. We have discussed the pragmatic and flexible approach of our parliamentary democracy. As part of this flexibility, the Senate can provide a constitutional forum whereby regional and cultural interests are strengthened. In our sister country of Australia the Senate is made up of equal membership from each of its states. The same approach could be suitably undertaken in Canada where the Nation's diversity is even more pronounced.

Fifth, with respect to Federal Bill C-120, some Provinces and some legal advisors have questioned the legal competence of the Government of Canada to deal with this language bill. Because of the implication of this type of legislation, they suggest it would seem prudent to refer this matter to the Supreme Court to ascertain whether the power to enact all or part of the Bill lies in the existing powers of the Federal Government under the Constitution. Manitoba would support such a move to have the matter referred.

In this respect I emphasize that we are not discussing the principles of the contents of the Bill; only the legal competence of the Federal Government to legislate certain of its sections.

We in Manitoba recognize that one of the unique features of the heritage of Canada of which we are all so proud is based on the cultural plurality which we enjoy and the contributions made by many groups to the growth and development of our Nation.

The present constitutional provision regarding the language rights should continue to be accepted by a process of "gradualism" as the people are ready to accept and support it. All of us here have a responsibility to provide reasonable and progressive leadership to the people in helping to form this opinion. Any attempt to expand language privileges beyond what the public will accept belies the fundamental rule of parliamentary democracy. The B.N.A. Act provides for French and English to be used officially in the Parliament of Canada, the Legislature of Quebec, the Supreme and Exchequer Courts of Canada, and the Courts of Quebec. Further legislation of language privileges will not ensure their extension. A process of "gradualism" will. Such a process is exemplified by the amendment to the Manitoba Public Schools Act, which provides the use of French as a language of instruction.

And finally, let us proudly give the name "Constitution of Canada" to the final product of our work. It is our hope that many of the features of the N.B.A. Act will be retained in any new Constitution, and that they will become the structure on which our new Constitution is built. But the end result, both in name and in fact, must be the "Constitution of Canada".

Manitoba has chosen to present her propositions to the First Ministers rather than to the Continuing

Committee of Officials. The matter for us - that of considering the Constitution under which we shall continue to exist as a Nation - is so vital that the principles that will go into any new or amended Constitution should be dealt with directly at the decision-making level by senior elected representatives of the Canadian people.

The Manitoba Government therefore proposes, and indeed urges, that a new Continuing Committee of Cabinet Ministers from each of the jurisdictions be created to direct the course of constitutional investigation on which we are engaged. This committee, representative as it should be of the elected governments in the Provinces and in Ottawa, will be in a better position to undertake the continuing process of examination and assessment.

Obviously a staff of highly-qualified civil servants must continue to undertake research and generally to service the work of the constitutional review. But it is improper for them to make decisions in this area or indeed to direct the research which must be the concern of the political leaders of the Country.

This new Committee should report to the First Ministers and would be served by the present Continuing Committee of civil servants.

This brief outline of our proposals, Mr. Prime Minister, emphasizes that the existing Constitution must be the starting point of any constitutional change. The present Constitution has served us well. It has protected the cultural plurality of our Nation and enhanced its general development.

As we study constitutional reform to meet the needs of our Nation in the second century of our Canadian Confederation, let us do so in the same spirit that prompted our Fathers of Confederation to create a Nation that has flourished from sea to sea.

As we attack the problems of our day, let us remember how much of positive value has already been built up in Canada. And let us build further on that firm foundation.

Thank you.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, Premier Weir.

Now we will hear the opening statement of the Honourable Mr. Bennett, Premier and Minister of Finance of British Columbia.

Opening Statement by
THE HONOURABLE W.A.C. BENNETT
Premier
of the
Province of British Columbia
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969

Opening Statement by
THE HONOURABLE W.A.C. BENNETT
Premier
of the
Province of British Columbia
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Mr. Prime Minister, Ladies and Gentlemen, first of all, I am glad to have the opportunity to congratulate you, Sir, on being elected to the highest elected office in our Nation. It is not a too difficult job, Mr. Prime Minister, because in the short time that I have been Premier of the Province of British Columbia I have been working with four Prime Ministers of Canada. I see two of them here today, and I understand the other former Prime Minister, Mr. St. Laurent, is also in good health. So I certainly wish you good health. And I wish you a good political health as well.

I am glad to see the Prime Minister of the Province of Quebec not only here today but looking in the very best of health. In fact, with that beautiful tan I think he would be the most healthful-looking man around the Conference table.

I am very sorry, too, that Mr. Thatcher of Saskatchewan is not here. I understand he has been quite ill. We do not only hope, but pray for a speedy recovery, because Canada needs this outspoken man, the leader of Saskatchewan.

A year ago prior to the first Conference on the Constitution we were favoured in our Province by a visit

from you, Mr. Prime Minister, as Minister of Justice, which we found very beneficial to us.

THE RIGHT HONOURABLE P.E. TRUDEAU: I wanted to come into your Cabinet.

HONOURABLE W.A.C. BENNETT: I made you the offer, but you got bigger promotion!

And then I am glad, too, that a former British Columbian, the present Minister of Justice, visited us the other day just before this Conference. He not only wanted to come in my Cabinet ... I don't say he wanted to come into my Cabinet, but his party wanted to lead another political party in my Province. But I am glad you kept him here, Mr. Prime Minister.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, I hope he is not promoted too soon!

HONOURABLE W.A.C. BENNETT: As Premier of the Province of British Columbia I am very pleased at the opening part of this great Conference. It is so different from what it was a year ago. A year ago you will recall that I was very unpopular when I pointed out the word "crisis" was used by previous speakers before it was my turn 142 times. Today I have not heard it at all, because I said then there was no crisis in our Nation.

I as well as you make a rule of travelling around the nations of the world, and I would not trade the positions of Canadians with the people of any other country. And, while we have opportunities and we may have some problems, there is no crisis in this Nation. And no one government, no one political party and no three or four governments can destroy this Canada, because Canadians intend to remain in Canada from coast to coast.

Coming originally from my native Province of New Brunswick my American friends have said sometimes when some propaganda gets abroad, "Mr. Premier, are you going to join the United States?" My answer has always been quick. I say, "No; my people left at a tea party and will never go back to a coffee party."

I had the pleasure, too, of living ten fruitful years in the Province of Alberta and there had a partner, my only partner I ever had in business in my life, a very

brilliant and wonderful French-Canadian. And I got to know the real values of the French-Canadian people, the real values. So I am one of those, as I am sure we all are, who is pleased that this Canada is going to stay united. And I hope it will be the end of people talking about "crisis", and it will be the end of people talking about "Canada is going to be divided", and so forth. Because if any part of Canada wanted to leave Canada, I ask you in all seriousness where would they go? Where would they go? There is no place to go a quarter as good as this Nation.

I was glad to hear the remarks of my good friend the Prime Minister of Quebec. If I quote him correctly (I hope I do), that the linguistic rights are not the basis of the problem of Quebec; that it would not be an issue to make everything uniform; that it would be a regrettable error to have the same measures apply in the same way to all Provinces. And there he is talking about the linguistic rights. And I want to say that is a very statesmanlike statement this day.

HONOURABLE J.J. BERTRAND: There was something else.

HONOURABLE W.A.C. BENNETT: I know there was something else. And all Canadians had the opportunity of seeing you, Mr. Prime Minister, make it. But nevertheless you said this, and that out of all the rest you said stands out, as far as we people of British Columbia are concerned, and we will always remember you for it. Because if everybody thinks the same, the old saying goes, nobody thinks very much. And we must have great unity in our Country. But you can't have half a continent spread right across a whole continent of virile people from five different regions all with different backgrounds. You can't have uniformity. But you can have unity, and you can have appreciation of the other person's point of view.

And that is what we have in Canada. That is what the people of British Columbia have, especially for the people of Quebec. And you know it, Mr. Prime Minister - regarding the people of Quebec. And I want to ask you to take to your people of Quebec not only the Premier's good wishes but all the good wishes of the people of British Columbia to the people of Quebec, knowing full well that you are the bulwark within Canada, and you will always remain the bulwark within Canada.

British Columbia welcomes this further opportunity to meet with representatives of the other governments of Canada to continue discussions on the review of the Constitution of Canada.

British Columbia takes the view that our Constitution has, by and large, served us well and has shown itself to be a viable and flexible document capable of adjusting and coping with the growing pains of nationhood. We in British Columbia, however, do not hold sacred or sacrosanct the British North America Act, but as one of the senior surviving constitutions among the western democracies we say it has proved its worth. With alterations - perhaps major ones, particularly in the area of fiscal capacity - together with the patriation to Canada of the power of amendment, to which I will make further reference shortly, it can continue to be the Constitution for Canada's great future.

For let no one be mistaken, Canada - from Newfoundland to the Yukon Territory - and we have a new interest now in the Yukon, Mr. Prime Minister, has a bright future indeed, and British Columbia anticipates sharing in it and contributing towards it.

We believe the future can best be realized under a federal system of government with the Queen as head of state and predicated upon the equal and fair treatment of all Canadian citizens, irrespective of their racial origin, culture, religion or economic status.

I spent ten years in the Prairies. I saw people from Central Europe pioneer that country, build mud huts. And out of those mud huts today come the leaders in the Prairies - doctors, lawyers, university professors, and so on. These people, too, want to be part of the Canadian way of life. And they don't want any separated Canada into just the English and French.

In fact, I believe in Canadians; that whether you pronounce it "Canadian" or "Canadien" there should be no hyphenated Canadian. No matter whether you are German-Canadian, French-Canadian, English-Canadian, Scotch-Canadian, Welsh-Canadian or Acadian-Canadian, "Canadian" is what we should be known as. And we should get away from those hyphenated words and tell the people of the world - because when we go abroad, Mr. Prime Minister, we say we proudly wear the maple leaf; we proudly say that we are Canadians. We don't say we are English-

Canadians or some other kind of Canadians. And I think that out of this great Conference, I would hope there will be some declaration that we are Canadians and nothing else, nothing more. Because you could not have a higher status in the world that I know of than a Canadian.

No country fears us because we are not powerful enough so far as arms are concerned. They know we don't want the lands of any other country because we have lands of our own (although I may want the Yukon and Northwest Territories) so that any Canadians going abroad are more well-received than the people of any other nation. We should be proud of that as Canadians, and while we do not carry our feelings on our sleeves and we do not talk and boast too much about our Country, we believe the people of Canada should tell them we are proud to be Canadians and only Canadians and not hyphenated Canadians, and we will co-operate with any other nation in the world that has goodwill and wants to build a better life in this continent of ours.

With the diversity of the culture and ethnic origins of all its people, Canada can look forward to a nation's future truly rich in its great heritage.

British Columbia recognizes that the English and French cultures and languages are the predominant ones in Canadian society today and every effort should be made to encourage, cultivate and foster them - not from the point of view that Confederation consisted of a union of two founding races and cultures, because British Columbia does not believe history supports that view, but rather because of their intrinsic worth and the benefits to nationhood to be gained by doing so. Having said that, we also recognize that there are six million Canadians whose ethnic origin is neither English nor French. As Canadians we do not intend to see these people made second-class citizens by constitutional means.

The question then is: what are the best means to foster and develop those ethnic and cultural diversities with which Canada is blessed? The cold legal language of a Constitution would not, in British Columbia's opinion, be the means at all. In point of fact, the Constitution has little effect on how people live insofar as language and culture are concerned. Our linguistic and cultural attitudes are tempered not by legal considerations embodied in a Constitution but in the final analysis reflect the personal habits, attitudes and practical

necessities of the population of the Nation. It is when individuals, encouraged by their governments, come to realize the worth of another language and culture on their own merits - it is in that climate that culture and language will flourish and Canada's heritage will be enriched.

Canada is a large country with major centres of one language and culture or another. The sparsity of French-speaking Canadians in many parts of Canada makes it inappropriate for a constitution to require equality of language and culture rights in every corner of the Nation. The Commission on Bilingualism and Biculturalism appreciated this fact and the action the Commission recommended in the first report was not, for the most part, to take the form of constitutional amendment, but rather was to take the form of legislative action in those particular jurisdictions in which the number of French-speaking Canadians made action appropriate.

I wish there were more. We would welcome more to British Columbia. There are fewer per capita whose mother tongue is French now than there were when British Columbia entered Confederation in 1871 and they are welcome in our Province. In one area where we have a group of them, in Maillardville, our school board, because we have a one-board school system, has started last year to teach first in kindergarten and then in Grade I as well the instruction in French and we will do so in our school board throughout the Province wherever there are a group who wish to be taught in the French language, so we will welcome more French-speaking Canadians to our Province.

There are other Provinces in similar circumstances. To provide as a constitutional guarantee the right to speak English and French is as inappropriate in those parts of Canada as to have a requirement that all Canadians speak the language of the native Indians, the original founders of the Country. And that is a problem in all Canada: our native Indians. And if the budget that I brought down last Friday, the Province of British Columbia over and above the federal expenditures and over and above the ordinary expenditure we give to regular Canadians, because we think the native Indians have a special charge and a special place because it was their Country originally, we have set up in British Columbia a special perpetual fund of twenty-five million dollars, which will be invested at 7 per cent, say, which will give one and three-quarter millions a year to help their own culture; not to tell them what to do. We will ask

them how we can help them to help themselves to expand their culture, their educational services and their expansion as an economic expansion.

If in its wisdom the northern country should join us as well, we would have some Eskimoes, wonderful citizens, and we would put up a similar fund to help them to expand their own culture as well, because these are the people that I think - the original citizens in our Country that I think Canadians should be thinking more about.

I say again, we in British Columbia are prepared to encourage to the full the development of the culture and language of both the predominant cultural and language communities in Canada commensurate with the practicalities of population but with regard also to the Canadians whose mother tongue is neither English nor French.

October 17th, 1968, I say very kindly, Mr. Prime Minister, without consultation with the Provinces the Federal Government introduced into the House of Commons Bill No. C-120, the Official Languages Act. Section 2 of the Bill declares that the "English and French languages are the official languages of Canada for all purposes of the Parliament and Government of Canada." At first blush these words would seem to indicate the matters covered by the Bill have little to do with the Provinces but are purely matters of exclusive concern to the Federal Government. At that point we would have no disagreement with that, Mr. Prime Minister, and I wanted to make that point very clear. A closer examination indicates, however, otherwise. The Bill would permit a person charged with a crime, or his counsel, to be heard in a provincial court in either French or English and, at the option of the court, to have the entire proceedings conducted in either language. And these are provincial courts. Judges are appointed by the Federal Government, however, and one judge might decide in the affirmative and another judge might not, and we would have an awkward situation, and we have no problem there now because in our courts we have interpreters for all the witnesses and people in any court in their language, so we have no problem there now.

So that, Mr. Prime Minister, British Columbia asks the question: why create the problem where there is none now? And many people in the Bar and throughout their Provinces have made the position very clear on this point, and I don't think we should create problems in our Nation where there is not any problems now.

Though we do sympathize with the situation that might be in certain other Provinces, especially I would say my native Province of New Brunswick and the Province of Quebec, and perhaps the Province of Ontario, where the Province has spoken out very clearly on this question and where there is a very large percentage of French-speaking people.

Has the Federal Government considered the practical implications of this on some of the Provinces? For example, out of approximately forty Superior and County Court Judges in our Province, I doubt whether any could conduct a trial in French and out of a practising legal profession of fifteen hundred, no more than a handful could plead their case in French. Moreover, the lack of sufficient interpreters is also a very real problem but to that extent it is not a problem today, and yet without prior consultation with the Provinces, the Federal Government has introduced this Bill.

British Columbia is concerned about other implications of the Bill. We fear that its provisions will "close the door" to unilingual English-speaking Canadians from entry into the Federal Civil Service and its agencies and considerably curtail the promotion possibilities of present-day unilingual English-speaking Civil Servants. It is perhaps too early to support those fears with firm statistics, but it is reported from the statistics that are available that there has been a sharp increase in the number of bilingual appointments at the upper levels of the Civil Service. For example, among a sample of 401 Civil Service appointments in the \$10,000 to \$15,000 range last year, the percentage of bilingual appointments was 24 per cent. So far this year the percentage is 31 per cent. Above \$15,000 the percentage has jumped from 25 per cent last year to 33 per cent this year. A much more significant trend is visible among "administrative trainees," usually university graduates, in training for senior positions in the government service. In 1965, out of 108 such trainees hired, only 17 per cent were bilingual, whereas so far this year, 171, or 46 per cent, are bilingual. Since the majority of the residents of Western Canada do not speak French, nor do they have the opportunity to do so, it is obvious that they are placed at a decided disadvantage from entry into the Federal Civil Service.

Moreover, there are very strong doubts as to the Bill's constitutional validity. It certainly represents an extension of section 133 of the British North America

Act, and, if it is not unconstitutional on that account, it may well be unconstitutional in its attempt to make Provincial Courts bilingual, bearing in mind that the "constitution, maintenance, and organization of Provincial Courts, both of civil and of criminal jurisdiction" is vested exclusively in the Provinces by head 14 of section 92 of the British North America Act.

It seems inappropriate for the Federal Government to introduce legislation of this kind on a matter which is viewed by British Columbia as being akin to, if not in fact, constitutional amendment at a time when the whole exercise of a thorough constitutional review is in progress.

A few days prior to the Constitutional Conference in February of last year the Federal Government circulated a background paper and accompanying proposal that a Bill of Rights be entrenched within the Constitution of Canada. Because of the shortness of time prior to the February meeting for study by provincial officials of the implications of the proposal, British Columbia reserved its position on the principle of entrenchment.

British Columbia is now in a position to make the following observations:

The proposed Bill of Rights is divided into five parts:

- Political rights
- Legal rights
- Egalitarian rights
- Linguistic rights
- Economic rights.

For the reasons which I have already referred to, British Columbia would not support a Bill of Rights which would entrench linguistic rights. Moreover, linguistic rights are not the kind of natural rights which traditionally have been the subject of constitutional protection in those jurisdictions that have enacted Bill of Rights.

As far as fundamental rights are concerned, let me make it abundantly clear at the outset that the Government of British Columbia is firmly committed to the proposition of the fair and impartial treatment under law of all of its citizens and the citizens of Canada. In that sense we completely support the expression in law of a person's

fundamental rights. The question is: can these best be ensured by an entrenched Bill of Rights as is suggested? Before that question can be properly answered we must have the fullest discussion on the implications. It is on that point, Mr. Prime Minister, we want some enlightenment. Like so many other proposals being put forward in the course of this constitutional review, the implications are being, we think, underplayed. Let us have the implications on the table before us so that we can intelligently make changes that must be made.

The first implication of an entrenched Bill of Rights is that it amounts to a restriction on the principle of legislative supremacy, which has been the underlying philosophy of our inherited British parliamentary system. Are we now in a position in Canada to depart from the principle of parliamentary supremacy which has guided us so well in our first one hundred years? Moreover, such a restriction on legislative supremacy would to a greater extent be at the expense of the Provincial jurisdictions rather than the Federal jurisdiction, for it is the Provincial Legislatures that have legislative competence over property and civil rights within a Province.

The most far-reaching implication of the proposal is that it would have the effect of giving the Courts, rather than Parliament and the Legislatures, the final word on basic policy issues. With that we disagree very strongly. The point has been ably stated by Professor D. A. Schmeiser, of the College of Law of the University of Saskatchewan, in an address given to the Canadian Bar Association at Vancouver on September 3, 1968, when he stated as follows, and I quote now - I want to make sure everybody understands these are his words and not mine, although I widely use them:

" The most difficult aspect of entrenchment is that the Courts, through the power of judicial review, rather than Parliament, have the final word on basic policy issues. The possible solutions in any social dispute are political decisions, not typically judicial decisions, and the question must be faced whether such decisions should be made by legislators, who are accountable to the people, or by Judges, who are not so accountable. Should five men on the Supreme Court of Canada be able to overrule the wishes of the elected representatives of the people, or is this not a negation of democracy? For example, let us borrow the American

problem of criminal procedure. Which body in society determines how a criminal matter should be dealt with? Again, I would suggest that the present Canadian formula of having Parliament decide is better than the American position. The assumption underlying judicial review of legislation is that Courts will do better than government, that they will act more in the interests of the people. The difficulty with the assumption is that legal practice and old age can produce conservative"

and, Mr. Prime Minister, I use that word "conservative" in a different tone than political -

"conservative persons who are suspicious of social change. In the Great Depression, the American Supreme Court used its judicial review power to block urgently needed social reform."

- brought forward by the newly elected President of the United States, and deep in the depression.

"The Canadian judicial attitude to administrative tribunals and to statutory interpretation also reveals a lack of awareness on occasion of social needs. An entrenched Bill of Rights can enable the Courts to block political reform. When the Courts do make wrong policy decisions, judicial independence and authority are seriously undermined."

That has all been quoted, Mr. Prime Minister, and that is the end of the quote.

There are more significant ways to effectively ensure that our laws do not offend basic human rights and are kept up to date and in keeping with our ideals of justice and freedom.

As I observed in February last year, there is not at the doors of the National or Provincial Parliaments of this Country a public outcry that the matters proposed for entrenchment have been neglected either by the developing common law or legislative or parliamentary enactments thus far made, and the statements made by Provincial Premiers this day already bears this out.

This Federal proposal appears to conflict with the plea for unity in diversity, which has such importance in parts of Canada, and, moreover, to place these rights beyond the reach of the parliamentary institutions of the Country by entrenchment is to argue for more rigidity rather than less in the constitutional arrangements by which Canadians govern themselves.

An examination of those sections of the British North America Act to do with the constitution of the Senate of Canada indicates it was intended the Senate would represent the various regions of Canada and thereby bring to bear upon the Federal legislative-making process the legitimate needs of those regions.

The economic realities of today indicate there are five regions of Canada, the fifth being British Columbia. The Federal Government has recognized this fact, for the records of the Dominion Bureau of Statistics and other publications of the Federal Government show the economic regions to be as follows:

- (1) Atlantic,
- (2) Quebec,
- (3) Ontario,
- (4) The Prairies,
- (5) British Columbia,

and to further carry out that point of view, Mr. Prime Minister, what have we witnessed this last week? We have seen it carried out. The Atlantic Provinces, according to the Press Services, held a meeting of the Atlantic Provinces before they came to this Conference yesterday, before this Conference, showing that they are in one region, to speak as one voice so that we should recognize them. And I understand, too, by the Press Services, last week the three Prairie Premiers, or their representatives, met as well, showing that the Prairies is one region.

With the population of British Columbia growing at twice the rate of the rest of Canada - and we welcome Canadians from all Provinces - the presence of British Columbia as an economic region of its own is more obvious as each day passes.

Thank you very much.

HONOURABLE J.R. SMALLWOOD: I thank you for that boundary.

HONOURABLE W.A.C. BENNETT: I want to make it very clear ...

HONOURABLE J. SMALLWOOD: That boundary to the northwest to the northeast.

HONOURABLE W.A.C. BENNETT: I know what you are talking about, my friend. This idea is not one of our own. We got it from the history of Canada, and I am indebted to the Federal Department of Mines for supplying this map showing the history of Canadian boundaries, showing 12 different changes since Canada was first formed in 1867. Look how small it was then. They were not pessimistic. They were not in a crisis, and look how small they were. Then again in the 1870's they have grown a little more. Little wee Manitoba down here. You can hardly see it.

Then in 1873, after British Columbia came in - and you will notice we brought in British Columbia - our boundaries have never changed since then though we lost some of them, or temporarily lost them off-shore.

But I am sure now after the oil company pulled out of the North Sea the other day, and the Americans off the coast of California ran into such terrible trouble on their oil, you will be glad to give it back to us and we accept it gladly because our regulations - the State regulations are three times better than the American Federal Regulations, and that is the reason why they are in trouble in my opinion, and in British Columbia the Provincial regulations are way better than the Dominion's regulations, and we can handle it better.

Remote control will never work in any country. That is the reason why there are no problems in the ports of Rotterdam, but lots of trouble in remote control in the port of Vancouver with these ships and this wet grain.

In any case here you are, 12 different changes already in the boundary of Canada, so this is not something new. This is just logical advancement and progress for Canada's second century because if Canada is going to be able to compete in world markets, it must have efficient and large economic regions and be able to cut down some of the overhead of the government so that we can compete on world markets for sales, and thereby employ our people at good wages and thereby generate money not only for government on a municipal, provincial, but on a federal

government level as well. And this is logical for our Nation.

United States have got 50 states. They have ten times our population, so if we had five regions it puts us on a basis of equality, and in this competitive period which we are now entering, we need to be competitive with the United States and any other country.

However, anybody who would like a copy of this map to see what a good job the Federal Government did, we would be glad to supply them copies.

HONOURABLE J.P. ROBARTS: You say, Mr. Bennett, you would make Ontario the smallest Province, and perhaps we would get ...

HONOURABLE W.A.C. BENNETT: I am going to tell you at one time Ontario was a very small Province. You got all your northern territories. Why not British Columbia? Why not the Prairies, my friend? Fair treatment to one; fair treatment to all!

Mr. Prime Minister, if the Senate of Canada is to continue to exist, then British Columbia calls for the redistribution of its seats based on today's realities so that British Columbia as one economic area would have equal representation with each of the other four.

Moreover, in order - and I want to say here you have four vacancies now from British Columbia, and I think to show real genuine co-operative federalism you would co-operate with the Provinces and we would each select two!

Moreover, in order to increase interregional co-operation and to ensure the Senate will be more effective in the future in reflection of legitimate aspirations of the various regions, British Columbia calls for the appointment of Senators all by the provincial government, such appointments to be for a number of years certain - four or five years - or if there is a change of government they can be changed in due course as well so they would not be frozen there. So they would represent the popular, political feeling in the regions at that particular time, which they should do.

British Columbia is of the view that the Supreme Court of Canada should continue to exist as the final court of appeal for Canada. Because a separate

constitutional court would result in a court dealing in theory rather than in the day-to-day realities and practicalities of life, British Columbia is opposed to a separate constitutional court and favours the present practice of the Supreme Court of Canada having jurisdiction in constitutional matters.

Just as the Senate of Canada and the other institutions linked with Federalism were designed originally to represent the legitimate needs of the various regions of Canada in the Federal legislative-making process, likewise it is necessary that the Supreme Court of Canada recognizes the Federal nature of the Country and understands and appreciates the Country's regional diversity. Accordingly, British Columbia suggests that the appointment of the Judges to the Court should be from each of the five regions of Canada - we are not asking that the Provinces name them in this case, Mr. Prime Minister - previously referred to, so that at all times the membership of the Court is representative of all regions. Such appointments should be approved by the Senate, constituted as previously suggested, but recommended by the national government originally.

We believe that the present practice of having at least seven of the nine Judges constitute a quorum upon the hearing of constitutional matters should continue. When the constitutional validity of a statute of a particular Province is in issue, British Columbia considers it desirable that those Judges appointed from that Province or from the region of which that Province is a part sit on the hearing of the case.

British Columbia recognizes that there can only be one government in Canada to represent the interests of all Canadians, Mr. Prime Minister. To the extent it is necessary for the Federal Government to have the jurisdiction and capacity to represent the collective interests of Canada as a whole, British Columbia is agreeable to that necessity being met. We consider that the enumerated classes of subjects set out in section 91 of the British North America Act is more than sufficient for the Federal Government to effectively fulfil its role. We do not agree that the power to legislate on those residual matters not presently within the enumerated heads of section 92 should also rest with the Federal Government. The power to legislate on all residual matters should be given to the Provinces in addition to the enumerated subjects set out in section 92 and I quote "all matters of

a merely local or private nature in the province."

British Columbia suggests there are, in addition, certain matters of mutual concern for which there should be concurrent constitutional jurisdiction and shared responsibility.

Superimposed upon the distribution of powers as we envisage them, we are of the view there is a need to have within the Constitution the machinery to permit the delegation of jurisdiction between the Federal and Provincial Governments when they so desire. Such a device, which is presently lacking in the Constitution, would add an element of flexibility and accommodation so necessary in this great growing Nation.

It is almost trite to mention that the capacity of each Government to tax must be sufficient for each Government to effectively discharge its constitutional obligations. And yet the experience of the tax-sharing arrangements over the past years has shown this is a principle that seemingly is often lost sight of, much less subscribed to.

In the light of burgeoning Provincial responsibilities, particularly in the fields of education, health, and welfare, British Columbia can see no other alternative if Provincial responsibilities are to be met than for the Federal Government to withdraw from the direct tax fields of personal and corporate income taxes and succession duties or estate taxes.

When those changes have been made, it is our view the Constitution should restrict the spending power of the Federal Government to those matters under its jurisdiction.

I want to point out, Mr. Prime Minister, that British Columbia has some difficulty in understanding the views of some Provinces who say it is all right for the Federal Government to tax the Provinces for equalization payments to others but has not the right to tax for this great social advance of medicare. I cannot understand that logic at all.

I want to emphasize that the stresses within the Nation at the present time are primarily economic and financial in nature. If we are to achieve that high destiny to which I am sure all of us around this table

believe Canada is called, then we must do more to bring about economic opportunity for all citizens in all regions of Canada. I want to underscore so much of what was said on this subject at the Constitutional Conference of February last. Unless the problems of the glaring discrepancies in standards of living and economic opportunities for low-income citizens wherever they may be found in Canada are met, then the consideration of many of the matters which are being discussed during these days may prove to be little more than academic. I am not minimizing the importance of such matters as language, culture, and constitutional review generally. But I am saying, that if we are to have and develop the kind of Canada we all unquestionably desire, then the scope of our vision must embrace the economic facts of life in Canada, which call for a frank appraisal of what national policy should be adopted to improve the situation. British Columbia believes the solution lies in direct assistance to persons - to people - of low income rather than through large unconditional payments to certain Provincial Governments.

The difficulty that help to nations around the world that Canada shares - though Canada does a better job than most - is that money does not get to the people, and since within Canada we have not had any real improvement on a comparison basis since we have had equalization payments to some Provinces, shows that this does not get to the root of the matter.

We would like to see a basic income for Canadians everywhere. Every person would fill out an income tax return, and those that pay taxes, that are due to pay taxes, will pay them, and those that are below that level - it will be on the basis of how many dependants they have as well - they will be reimbursed, and they will get a cheque. So there will be a two-way flow of cheques like there should be. Those that benefit greatly from our system and all that our system means pay taxes to our government, and if because of illness and sickness and bad health and bad luck and circumstances, then the state (which is all of us) lifts them up on the basis of dignity. We think that is a solution to this great problem - at least it will be a great start towards it.

Naturally, any policies to raise the standard of living of all low-income persons will benefit most those areas with the highest incidence of inadequate income. Some areas might be 40 per cent which would get money back;

other areas might only be 5 per cent, and that is the way to get it to people. And if you set that floor under the economy in all Provinces, that is the way to lift their standard of living. But I would also point out, Mr. Prime Minister, that no matter what government policies of special help to individuals are involved, the real solution will come as well when we have uniform wage rates across Canada. Now, we in British Columbia realize that cannot be done overnight. But that is where we should be directing our course. Governments should start by introducing uniform minimum wages of comparable industry for all areas of Canada.

Furthermore, in this connection I believe the time has come to recognize that in the interests of economic realities the boundaries of some of the Provinces will have to be altered and the separate existence of some other Provinces will have to be abolished so as to provide five viable and effective political units consonant and in conformity with the five economic regions of Canada.

Mr. Prime Minister, the increased efficiency and resultant substantial savings to the Canadian taxpayer would be great. And we must be thinking more of cutting down the overhead of government than almost any other question today if we are going to be able to give more service to people.

In keeping with the principle of political units conforming with the economic regions of Canada, British Columbia calls for the Federal Government to extend by legislation, like they did before for Ontario and Quebec and Manitoba - the Federal Government to extend by legislation the boundaries of each of the applicable Provinces northward to the northern limits of continental Canada, like they did for Ontario and Quebec. Furthermore, the topographical characteristics support communications links and trade patterns running north and south rather than east and west.

Here we have a map of the north, and especially of Northern British Columbia. It shows the extending of British Columbia's boundaries to take in part of the Yukon - or the Yukon and Northwest Territories to take in British Columbia.

When you get married, you will find out, Mr. Prime Minister, that it is a partnership, and you don't know who is the senior partner until the second day. And then

you know. So I would think perhaps the Yukon and Northwest Territories would be the senior partner. But in any case everything that we own in British Columbia would be owned by the people of Yukon and the Northwest Territories.

We are now extending our own railroad, the Pacific Great Eastern Railway, north to Fort Nelson. We would then extend it right through to Whitehorse, into the Yukon.

We would build a highway in from the Alaska Highway into the Northwest Territories of Fort Simpson. We would build another railroad up the coast and right up to Whitehorse as well. And we would develop the Yukon and Northwest Territories.

Capital investment must come before you get revenue back. So it is going to cost British Columbia in the early years a lot of money, just the same as it has cost British Columbia a lot of money to develop Northern British Columbia, where in the Peace River power development alone so far we have spent over five hundred million dollars.

HONOURABLE J.R. SMALLWOOD: Mr. Bennett, would you mind?

The territory you are talking about for you to get and the Prairies to get now belongs to us, does it not?

HONOURABLE W.A.C. BENNETT: No.

HONOURABLE J.R. SMALLWOOD: No? Doesn't it belong to Canada?

HONOURABLE W.A.C. BENNETT: No. You brought your part into ...

HONOURABLE J.R. SMALLWOOD: It belongs to all Canada, does it not?

HONOURABLE W.A.C. BENNETT: No.

HONOURABLE J.R. SMALLWOOD: Do the other Provinces get any kind of compensation for that?

HONOURABLE W.A.C. BENNETT: You are getting those equalization grants now.

HONOURABLE J.R. SMALLWOOD: No.

HONOURABLE W.A.C. BENNETT: I want to tell you now, Mr. Prime Minister, that one day my good friend from Newfoundland made a great statement at one of these Conferences. He said, "You know, co-operative federalism is great; Bennett writes a cheque in British Columbia and I cash it in Newfoundland." That is the way.

HONOURABLE J.R. SMALLWOOD: But we want more than cash. We need more.

HONOURABLE W.A.C. BENNETT: When Ontario and Quebec were extending north there was no question.

In light of the tremendous development now taking place in the northern half of British Columbia, sparked by the Peace River power development, now in operation, and the lines of communication to which I have already made reference, it is not only geographically and economically logical, but it would be mutually advantageous for the northern area - and any deal with any person, any business deal, must be of advantage to both sides, and this would be of advantage to both areas - it would be mutually advantageous for the northern area to be added to the Province so that an integrated development plan could be made to realize the full and great potential of the whole area.

The great power developments in the Yukon, the great power developments on the Liard River, the watershed spreads to both areas - to get that development they need to be one - straight common sense and straight logic.

The last statement I wish to make, Mr. Prime Minister, has to do with the method of constitutional amendment.

Throughout the course of the first one hundred years the British North America Act has, as the need arose, been subject to amendment by one means or another at least a score of times. British Columbia, however, is not satisfied with the vagaries of the present method of amendment. I recall that over an extended period of years, culminating in an agreement in Charlottetown in 1964, all governments participated in a series of meetings called for the purpose of agreeing upon a formula of how to amend the Constitution in Canada. British Columbia, along with others, was one of the contributors to the solution then reached. And yet, in spite of unanimous agreement at that time, subsequent events prevented

the formula being implemented.

We are now embarked upon what has been described as a total review of the Constitution. And we are all for that. It will take vision, take courage and persistence and all the qualities that Canadians have to bring it about. But we must not grow weary in well doing as we tackle this great opportunity. The substance of constitutional review is infinitely more complicated and much less likely to be the subject of agreement, at least soon, than the relatively simple question of determining a method to amend the Constitution in Canada. And yet if we are unable to bring to fruition extensive efforts that were expended in that more simple exercise, then the question that comes to my mind is: are we now embarked on a task utterly incapable of fulfilment (but I don't believe it; I am sure we can do that) having regard to the differences of opinion that do exist between us on matters of substance? But I am an optimist and not a pessimist. And, Mr. Prime Minister, you know the difference between an optimist and a pessimist. An optimist says, "I have been drinking this glass of water all day and it is still half full." And the pessimist looks at the glass of water and says, "Look, the wretched thing is half empty already." We need optimism. And Canadians are optimistic people, because only optimistic people can get things done.

As an indicator of our good intentions in British Columbia in respect of the total review now under way of the Constitution, I call upon all governments to re-address themselves to the fundamental proposition of how to amend the Constitution in Canada, taking on from the point of earlier agreement and making such adaptations to the formula as would make possible its unanimous acceptance in 1969, I hope.

And, Mr. Prime Minister, I would like included in our opening statement our tables in the back of our printed statement, and also our two maps.

Thank you very much.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Bennett.

Now we will hear from the head of the Prince Edward Island Government, Premier Alex Campbell.

**Opening Statement by
THE HONOURABLE ALEX B. CAMPBELL
Premier
of the
Province of Prince Edward Island
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969**

Opening Statement by
 THE HONOURABLE ALEX B. CAMPBELL
 Premier
 of the
 Province of Prince Edward Island
 to the
 Second Meeting
 of the
 Constitutional Conference
 Ottawa - February 10, 1969

Mr. Prime Minister, at the outset I want to congratulate you upon the events which have brought you to the Chair of this Conference and also, on behalf of our Province, to express our appreciation for your invitation to return to this form of conference and to further our discussion on the subject of constitutional review.

I was very much interested, naturally, in the new map of Canada unveiled today by our good friend and colleague Mr. Bennett of British Columbia. I wonder if he would explain whether or not there is any significance in the colours that he has given to the various regions - British Columbia, deep green, and the Atlantic provinces in red?

Honourable W.A.C. Bennett: Red is a good colour. Red has always been a good liberal colour.

Honourable A.B. Campbell: You will appreciate, Mr. Chairman, my great temptation to take advantage of this opportunity to raise issues of economic concern critical to the Province of Prince Edward Island. But I am satisfied, however, that the agenda makes provision for discussion of financial difficulties and regional disparities. It is my intention, at a later stage, and when the agenda provides, to place before this Conference yet

another map of Canada, a map which will outline the boundaries of regional disparity. I just want to say at this time, Mr. Chairman, that it is not my view that the problem of regional disparity will disappear with the shifting of the physical boundaries of our provinces.

Nevertheless, in this opening statement, Mr. Chairman, I feel compelled to underline the national significance of this gathering by setting aside immediate provincial considerations. I intend to direct my opening remarks to the general area of constitutional review by reflecting on our present situation and by commenting on future steps to be taken.

At the outset, I would like to reaffirm our position on the need for a strong central government. At the Confederation of Tomorrow Conference I said, "Strength in this context means financial strength to provide a sufficiently large economic field within which to exercise political and economic influence towards national ends". I would add at this time that the Federal Government must have the means to deal effectively with the problem of regional disparities. Though we regard a strong "central" government as necessary, we do not necessarily support a strongly "centralized" government. The centralization of government operations has proven totally ineffective in correcting the regional imbalances which have developed over the years. I expect to deal with these questions at greater length during this Conference. However, before leaving the subject of a strong central government, I would like to sum up Prince Edward Island's position by quoting one of the Fathers of the American Constitution, James Wilson. Wilson, in summarizing the constitutional dilemma which faced the United States in 1787, remarked that:

"Each state endeavoured to cut a slice from the common loaf to add to its own morsel until at length the Confederation became frittered down to the impotent condition in which it now stands... what danger is there that the whole will unnecessarily sacrifice a part? But reverse the case and leave the whole at the mercy of each part and will not the general interest be continually sacrificed to local interests"?

I am pleased to report to the Conference, Mr. Chairman, that Prince Edward Island has made significant progress towards the fulfilment of some of the objectives proposed in the Bilingual and Bicultural Report. The last session of our Legislative Assembly unanimously approved the recognition of French as an official language of the Assembly for purposes of debate. We have made progress in cultural and educational affairs as well. My colleague Premier Robichaud participated last year in the opening of an Acadian Cultural Centre at Abram's Village. Our Department of Education has been actively promoting the development of teaching methods and aids in the French language throughout the Province. The Department of Education has initiated French-language instruction and authorized French-language textbooks in several subjects for that area of the Province designated by the Commissioners as a bilingual district.

Our Department of Education intends to intensify its efforts to achieve a truly bilingual programme for our schools, providing there is a significant proportion of Acadian students. This will involve the teaching of French as a first language, and special courses of study for the teaching of conversational French. As well, we have appointed a consultant on French language instruction. It may be proper to observe at this point, Mr. Chairman, that this has not come as the result of any national legislation but as a result of our desires and our wishes to implement the recommendations of the B and B Report as they apply to our Province.

As I interpret your invitation, Mr. Chairman, our primary concern at this meeting is to examine the initial report of our Continuing Committee. I shall now confine myself to that area.

An examination of the summary record of the Committee's proceedings and of the many propositions submitted by participating governments emphasizes the complexity of the review in which we are now engaged. Our founding Fathers in Charlottetown and Quebec City had a relatively simple task. We are now eleven jurisdictions, each with a measure of sovereignty and each with well-established traditions. We are embroiled in a more complex and sophisticated society than existed at the time of Confederation. The historical record suggests that the original union was "floated in on a sea of champagne and in the company of attractive young dancing partners".

It appears that revision to our present Constitution will be floated in on a sea of propositions. I for one, Mr. Chairman, have not had time for a detailed examination of the various propositions put forward; nor have I had time for involved discussions of constitutional reform at the basic level undertaken by the Continuing Committee. Nor do I expect that we, as First Ministers, have time to resolve, by consensus, the hundreds of propositions which have come forward from the various governments. Our Continuing Committee of Officials should be charged with the detailed exploratory work necessary to the drafting of a new Constitution. The difficult task of framing the Constitution of the United States of America and our own Constitution was not accomplished before the bright lights of television. Representatives were not speaking directly to their constituents. These Constitutions were framed behind closed doors in Philadelphia, Charlottetown, Quebec and London after months of vigorous and determined negotiation. The complexity of the current review makes a body such as the Continuing Committee essential.

The decision as to particular courses of action will rest, of course, with this meeting of First Ministers, and our legislative bodies.

The Continuing Committee has now met five times; it is apparent that their discussions have been, in many areas, of a cursory nature. The Committee now looks for further direction from the Constitutional Conference. At this stage my general direction would be that the Committee "carry on". In their report, the Committee has specifically asked for direction in four areas. Our position on these four questions is as follows.

First, on the objects of constitutional review: the Government of Prince Edward Island supports the "total review" concept.

Second, on the method for carrying out the review: the "propositions" approach appears valid at this stage.

Third, on the review sequence: again, the outline as set out in paragraphs 12, 13, 14 and 15 of the Committee's Report is agreeable to us.

Fourth, on the use of special committees: I appreciate that the Continuing Committee may wish to examine certain areas by means of sub-committees or similar groups. My support for this arrangement is qualified only to the extent that I trust the Continuing Committee will not so dilute its approach that discussions will be limited to consideration of voluminous reports.

Specific directions would be difficult to determine at this time because the Committee has just now brought together many of the concepts relating to constitutional re-alignment. I hasten to commend the Secretariat, under the able direction of Mr. Edgar Gallant, for the work it has done in "documenting" the proceedings.

Mr. Chairman, at a later stage we will be giving detailed attention to the Committee's report. By way of introduction, I suggest two main areas for consideration: that we attempt to determine priorities for the Committee's work so that matters of more pressing concern will receive first attention; and, secondly, that serious study be given to the implications of any substantive constitutional changes. For example, if it is proposed that the Provinces assume responsibility for programmes now provided by the Federal Government, what would be the implications, for both levels of government, in terms of fiscal need, administrative facilities and personnel?

This exercise of constitutional review will be long and demanding. As I indicated earlier, I am convinced that First Ministers do not have the time required for detailed examination of the many issues involved in such a review. I also question whether the Continuing Committee now devotes sufficient time to this end, considering that it meets approximately once a month for three days at a time. Our search for a meaningful and useful partnership agreement will require many months, if not years, of participation. We believe that the Committee should meet more regularly. Its membership should be given more permanent status. This Conference must direct our Committee to speed up the work which has been assigned to it.

Mr. Chairman, once the Continuing Committee makes recommendations I shall devote the time required to consider specific constitutional reforms. Until that stage has been reached, until the Committee has had ample opportunity to receive and consider the propositions of governments, until our Committee brings forward specific

recommendations for our consideration, future sessions such as this are little more than a means to re-affirm our belief in the need to preserve and foster Canadian unity.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, Mr. Campbell.

Now we will hear from the leader of the Saskatchewan delegation, the Honourable Mr. Steurart, Deputy Premier of that Province.

**Opening Statement by
THE HONOURABLE D.G. STEUART
Deputy Premier
of the
Province of Saskatchewan
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969**

Opening Statement by
THE HONOURABLE D.G. STEUART
Deputy Premier
of the
Province of Saskatchewan
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Thank you, Mr. Prime Minister. My first words must be of the regrets of Premier Thatcher for being unable through illness to attend this very important meeting, and passes on to you his sincere best wishes for the tremendous task you have undertaken on behalf of all Canadians and also to thank all of those around this table, the heads of governments, who have through me and through our delegation, wished him a speedy recovery. Those are most sincerely accepted and appreciated.

The Premier, as I say, asked me to assure everyone here when I read this brief, I don't think anyone will have any doubt that he stands behind the propositions we put forward here and the stand our delegation will take in the next three days.

I have been very impressed with all the position papers put forward by the various Provinces and by the Prime Minister. I was especially intrigued by Premier Robarts of Ontario pointing out to us that 45 per cent of the Federal Government's revenue was obtained in prosperous Ontario. I think I should hasten to point out to him about 50 per cent of their prosperity has probably been by selling tractors to western grain farmers, and like everyone else I was very impressed with the new map pushing our boundaries up to the Arctic Ocean. That is a tough way to get into the battle for offshore mineral

rights but we accept all offerings.

I wonder if the Prime Minister should warn President Nixon that the Jolly Green Giant is on his way in Alaska, or maybe the B.C. Lions are looking for some new recruits.

Mr. Chairman, the Province of Saskatchewan comes to this Conference in a spirit of co-operation.

We hope that the deliberations of the next several days may contribute to the preservation and strengthening of our Confederation.

At the same time, we come to this Conference somewhat in a spirit of impatience.

We continue to believe that there are problems facing our people which have a far higher priority than constitutional reform, of the kind presently proposed by the Federal Government.

We consider that the basic objectives of this Conference should be to settle the financial aspects of Confederation.

The taxing powers that were appropriate for an earlier era no longer match the relative constitutional responsibilities of the different levels of government.

We insist that financial difficulties facing all governments are today the major challenge to the continued existence of our Country - not the Constitution.

Westerners are not impressed by recent financial policies of Ottawa.

To us they represent confrontation, shock treatment, further upward tax revisions, and interference in provincial tax fields.

The Government of Saskatchewan also comes to this Conference to once again oppose special concessions or "special status" to any single Province.

We believe that every Canadian should enjoy equal rights and equal privileges.

We also contend that every Canadian should assume equal responsibilities.

We believe that any reasonable or feasible step should be taken to keep Quebec within Confederation.

A Canada without Quebec is almost unthinkable.

But our willingness to compromise in this direction, does not indicate a willingness to accept a Constitution which will give other Canadians any rights whatsoever, which are not enjoyed by Westerners.

It would be folly not to recognize that Quebec has problems which are not shared equally by other Provinces.

But it would also be folly to assume that Quebec's special problems are the only ones, or even the most important ones, to be dealt with at this Conference.

In our opinion, if Quebec were given all the demands she has recently sought, the break-up of Confederation would be automatic.

The people of Saskatchewan believe in one Canada - not two or three.

I express the hope that the people of Quebec may decide that their true interests lie in an equal partnership with the other Provinces of Canada - and not in a separate development.

To a considerable degree, though not entirely, the decision is their own.

Speaking for my Province, may I say again that if Quebecers are to remain in Confederation, as we hope and pray, they must do so with the knowledge that they will have the same status as the other nine Provinces.

In Canada we want no second-rate citizens.

I am quite certain that under the statesmanship of Premier Bertrand, whose ability and moderation have won respect everywhere in Canada, Quebec will decide to remain a Canadian Province.

Surely every conceivable economic reason points in that direction.

But in any event let Quebecers make their decision then let us get on with the important task of building a better and more prosperous Canada.

I indicated earlier that the Government of Saskatchewan believes that the main threat to national unity is dominion-provincial fiscal arrangements.

In this Country, there has been a virtual breakdown in fiscal control.

During the present year, the two levels of government will spend \$1.1 billion more than they receive.

The trend must be reversed before governments spend the Country into economic chaos.

The differences between Ottawa and most Provinces have arisen by each spending more than they can collect.

Their joint deficits have demoralized their treasuries, and strained the whole federal system.

In passing, I feel I must say a few words about Saskatchewan's financial record.

Since taking office, our government has brought in four consecutive balanced budgets. In a few days, I hope we shall bring in our fifth.

This was accomplished:

(a) despite the fact that equalization payments of \$35 million from Ottawa are being gradually phased out;

(b) despite the fact that until recently, we have been the only Province financing a complete programme of medicare.

I also point out that presently all current expenditures for highways, hospitals, university buildings are not being capitalized, but rather paid out of current revenues.

The process has been difficult and unpopular, but I suggest that Saskatchewan has demonstrated financial responsibility.

But we are well aware that we cannot continue this record indefinitely, unless some federal-provincial changes

are made.

The costs of administering fields like health, education and highways, which are constitutionally the responsibility of the Provinces, have spiralled more rapidly than the economy, or the cost of federal responsibilities.

Therefore, either the lower levels of government need to transfer some of their responsibilities to higher levels - or there should be a transfer of taxing authority in the opposite direction.

If such a change does not take place soon, the overall economic health of the Nation will assume the proportions of a major crisis.

We have every sympathy for the urgent need of the Federal Government to bring its own budget into balance.

We doubt, however, whether the Finance Minister will have helped the taxpayer much if he simply transfers the federal deficit to the Provinces.

We believe that unless the Federal Government is prepared to participate very soon with the Provinces in a hard-headed, comprehensive appraisal of government expenditures and revenues at every level, our Confederation will be strained to the limit, and perhaps beyond.

Today, governments at the three levels are taking 35 per cent of the gross national product.

Canadians generally are fed up with this extravagance, and in my opinion, will not accept it indefinitely.

At the risk of appearing presumptuous, I wish to strenuously object to certain aspects of recent federal taxation policy.

Several years ago, the predecessor to the present government promised a degree of consultation with the Provinces, before major tax changes were introduced - particularly changes recommended by the Carter Commission.

That pledge has been for the most part ignored.

Ottawa has introduced one tax increase after another, which vitally affect the Provinces - on a unilateral basis:

1. Liquor taxes. For example, not long ago, the Federal Government sharply increased liquor taxes.

While they legally had every right to do so, surely this is a field which over the years has been recognized more and more as a provincial source of revenue.

The Federal Government is now taking more in liquor taxes than the sum total of all the Provinces.

2. Estates taxation. In the last federal budget, major and far-reaching changes were proposed in the Estates and Gift Tax legislation.

Even though the original intent of these changes has been somewhat modified, the overall effects will still pose a real and serious threat to thousands of individuals and small businessmen across Canada.

But on the Prairies, even with modifications, they could spell the end of many family farms.

The frustrating part of this action was that the matter was never referred to us at any time.

Though Ottawa retains one-quarter of the revenue involved, and though the Provinces retain three-quarters, there was no consultation whatsoever.

Is this the "participatory democracy" promised by the new government?

I tell the Prime Minister and the Minister of Finance that actions like these are dangerously stretching credibility in federal fiscal integrity.

I would also tell them that had there been consultation with the Provinces before such a measure was taken into the House of Commons, the most recent fiasco over Estates Taxes might very well have been averted.

3. Mining taxation. And now there are rumours circulating again in the capital that tax incentives for mining companies may shortly be eliminated, as recommended by the Carter Commission.

The former Finance Minister, I repeat again, gave the Provinces a firm commitment that no action on the Carter Report would be taken without prior consultation

with the Provinces.

But after what happened with the Estates Tax, can we have any confidence that such a pledge will be honoured in this field?

Saskatchewan believes that mining tax incentives have worked well, and have contributed to a vigorous development of the mining industry.

Without incentives, we believe mining exploration and development would slow down considerably.

Again at the risk of appearing presumptuous, may I warn the Minister of Finance that Western Canada will never willingly accept the mining tax proposals made by Mr. Carter.

We are determined that Saskatchewan's mining expansion shall not be crippled by a few theorists or bureaucrats in Ottawa or anywhere else.

4. Offshore mineral rights. Saskatchewan also believes that the sharing of the revenues from offshore minerals should be given careful attention.

Our Province is landlocked, and has no offshore minerals.

But we do believe that if the Federal Government intends to share revenues from offshore mineral development with the Provinces, then they should be shared on an equitable basis with all the Provinces of Canada.

By decision of the Supreme Court of Canada, these resources are federal, and as such the revenues from them must be shared among all Canadians.

We cannot agree that the Provinces themselves should devise a formula for the sharing of the revenues.

If such resource revenues accrue to the Government of Canada, then surely it is the responsibility of the Federal Government to determine to whom they should be allotted.

We believe major inequities exist in the distribution of revenues accruing from corporation profits.

Many companies presently operating in the Province of Saskatchewan maintain head offices in other Provinces.

Under the present distribution of taxes, we have available to us a very limited portion of the corporation income tax paid by them.

At the same time, as a government, we are obliged to provide many services to these companies, as corporate citizens.

The corporation income tax we receive from the federal authorities is not sufficient to pay for the entire cost of these services.

We believe some more fair and equitable formula for the sharing of taxation from corporate income should be found.

In our view, this is a major aspect of any fiscal reform.

If a change is being made in constitutional financial responsibilities, there are other areas in which the Federal Government should give consideration to assisting the Provinces.

At the present time, Canada is the only western nation that lacks a federal highway system.

Surely the federal authorities should assist the Provinces in the construction of main interprovincial highways, and northern and resource roads.

Finally, serious consideration should be given to more adequate federal assistance for education at all levels.

At the present time, the Provinces must themselves bear by far the largest part of educational costs, even though their advantages extend to all of Canada.

Mr. Chairman, I could deal with other aspects of federal financial policy, which irritate the Government of Saskatchewan, but perhaps this is not the occasion.

However, I must say we find it alarming, that despite huge tax increases, despite the federal invasion of provincial fields, Ottawa continues to roll up huge deficits.

The Finance Minister tells the Provinces to raise their own taxes or reduce expenditures.

He is not very convincing when he himself is both raising taxes and increasing expenditures.

In essence, he is saying to the Provinces: "Let them eat cake."

Would I be stepping out of line, Mr. Chairman, if I took the liberty of reminding the Minister what happened to the lady of historical renown who was unwise enough to coin that phrase?

The Minister of Finance tells us once again that his objective is a "balanced budget."

But this objective will fail to impress many, if it is to be achieved simply by transferring his deficit to the Provinces.

It is the total of the tax that matters to the taxpayer - not the government to which it is paid.

If the Provinces were to follow his lead, they would simply transfer their deficits to the municipalities.

The alternative of raising taxes is more easily stated than practised, when the Federal Government has already pre-empted the most rewarding tax fields.

The fact is that with the economy already over-taxed, the scope for new taxation is extremely limited.

The Minister of Finance is well aware of this fact.

Everyone at this table knows that the root cause of the current fiscal squeeze is that the spending needs of the Provinces and municipalities to meet their constitutional responsibilities are rising faster than those of Ottawa itself.

Are we prepared to do something about this harsh fact? Or are we content to merely drift along - hoping that something may turn up?

While these thorny fiscal problems remain, Westerners find it very difficult to get excited about a new Constitution.

Having established what we believe should be the number one priority in building a United Canada, may I say that Saskatchewan is quite willing to seek out useful constitutional changes.

In this regard, we shall do our utmost to work with Ottawa and the other Provinces.

On behalf of our government, may I now comment on some of the proposals which have been made.

As Saskatchewan stated a year ago, we do not believe there is a pressing need for a new Constitution for Canada.

We feel that our difficulties could be overcome by amendments to the existing Constitution.

As we have stated on previous occasions, Saskatchewan favours the early patriation of the Constitution so that constitutional amendments can be made in Canada, without reference to the British Parliament.

We hope also that a suitable formula for amending the Constitution can be found soon - perhaps similar to the Fulton-Favreau formula to which our government agreed more than three years ago.

Our government feels that while some aspects of the British North America Act may now be obsolete, nevertheless we could very well make changes and build on the framework of the present Constitution.

In regard to official languages, the Saskatchewan Government supports the development of bilingualism in Canada, because we believe that it is desirable for both English- and French-speaking Canadians to be at home anywhere in Canada, but at the same time, we believe that bilingualism can best be achieved through the educational process.

In Saskatchewan, legislation now permits upon request the use of French as a language of instruction from Kindergarten to Grade XII, in areas where such a programme is economically feasible.

In addition to French-language instruction in elementary and secondary schools, the Regina Campus of the University of Saskatchewan has recently established

a bilingual college.

We shall take further steps as they are found necessary and feasible.

We are not convinced, however, that bilingualism can be achieved effectively by legislation.

The Constitution already provides certain guarantees as to the use of the French and English languages in Quebec and in the Federal Parliament and federal courts.

We fear, however, that the proposals of the new federal Bill on Official Languages will result in bilingualism becoming a requirement -

- (a) for promotion in the armed forces; and
- (b) for appointment and promotion in the federal Civil Service and such federal Crown Corporations as Air Canada and the Canadian National Railways.

Mr. Chairman, only 6.5 per cent of the population of Saskatchewan is of French-language origin.

In the light of these facts, surely to make a working knowledge of both French and English a requirement for many employment opportunities, would be highly discriminatory against the great majority of Saskatchewan citizens.

This would not have the desired effect of binding the Nation closer, but rather would end in disunity and friction between the French-speaking and English-speaking races - leaving a situation unlike anything we have witnessed in Canada in the past.

In addition we believe there is a serious question as to whether the Official Languages Bill is constitutional.

We are of the opinion that the British North America Act, by an amendment made in 1949, specifically precludes the Federal Parliament unilaterally amending the Constitution with respect to languages.

Therefore, on those grounds alone, Saskatchewan cannot agree with the provisions of the Official Languages Bill now before the House of Commons.

Mr. Chairman, perhaps the most dangerous aspect of the proposals contained in the Bill will be their effect on the administration of justice.

We contend that if all federal statutes and regulations and all judgments of the federal courts are to be written in both languages and have equal effect, then only those lawyers and judges who are bilingual will be able to adequately interpret and administer the law.

It is our contention, therefore, that at least in Western Canada, justice cannot be served as suggested by the intent of the Official Languages Bill.

The Province of Saskatchewan would hope that the Federal Government could be persuaded not to proceed at this time with the Bill on Official Languages.

Our government pledges itself to fully support the reasonable development of bilingualism through the educational process, because of the practical value to the individual and the Nation.

Our objection lies chiefly in those aspects of the Bill which are impractical in Western Canada and would, in addition, prove highly discriminatory to many of our citizens.

However, if Ottawa does proceed with the Bill as proposed, we could not let the matter go unchallenged in the courts. But we must insist that this vital matter of education in French or English shall remain with the Provinces.

The Government of Saskatchewan holds certain other views in connection with the Constitution, which we shall be prepared to pursue at an appropriate time.

For example, we favour a strong and effective central government with the jurisdiction, powers and authority necessary to achieve national strength and unity.

The central government must have adequate economic and fiscal powers to ensure stable economic growth, cope with unemployment, combat inflation and deflation, and promote equalization of opportunity in the various Provinces and areas of the Nation.

We believe Canada should continue to be a federal state. We emphatically approve of the continuation of the monarchy, for the foreseeable future at least.

The time may come when Canadians will choose to abolish this institution.

But surely at a time when Confederation is already under every conceivable stress and strain, we should not further divide our people over a matter about which many feel strongly.

We believe the Constitution should provide that all Provinces should operate under the Parliamentary System, and, as I have already emphasized, have the same status and powers.

We contend that the Parliament of Canada should not have the power to make special arrangements with any Province, in respect of federal programmes.

These programmes by their nature are applicable across the Nation. Special arrangements should only come about with the unanimous consent of all Provinces.

We favour some kind of Senate reform.

It is our opinion that representation in the Senate should more adequately reflect the population of the regions and Provinces of Canada.

We believe the Constitution should recognize the primacy of the Federal Government in international affairs, and in all negotiations involving foreign governments.

We agree that the Supreme Court of Canada should continue to be the final Court of Appeal in all matters, including those involving the Constitution. Moreover the court should continue to be bound by precedent.

With certain qualifications, Saskatchewan agrees with the proposal that a Bill of Rights guaranteeing fundamental democratic rights be made part of the Constitution.

However, we also feel that great care must be taken that only fundamental democratic rights should be entrenched.

These are -

- freedom of religion
- freedom of speech
- freedom of assembly and association
- freedom of the press.

In conclusion, Mr. Chairman, these then are the views of the Government of Saskatchewan on a number of aspects of constitutional reform.

Our delegation will amplify these viewpoints during the course of the Conference. We have no intention of being truculent and unco-operative.

However, I emphasize again, that, in our opinion, an immediate effort by all parties involved, to settle the critical financial impasse which our governments have reached, is vital if Confederation is to be saved.

I appeal to the Prime Minister to give leadership in this regard.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Steuart.

I now ask the Honourable Harry Strom, Premier of Alberta, to let us have the Alberta statement.

**Opening Statement by
THE HONOURABLE HARRY E. STROM
Premier
of the
Province of Alberta
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969**

Opening Statement by
THE HONOURABLE HARRY E. STROM
Premier
of the
Province of Alberta
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Mr. Prime Minister, my fellow Premiers, and Ladies and Gentlemen. First of all I would like to express our deep appreciation for the very kind remarks of the Prime Minister that you have made in regard to our former Premier, Mr. Manning, and for the well wishes you have extended to him, and also other gentlemen here today. We should be very happy to convey these well wishes to him when we return to our Province.

I would also like to express our sincere regret in that Mr. Thatcher is not able to be here today. We certainly did not expect when we met with him a week ago last Saturday that he would not be here with us due to ill health. And we certainly wish him a speedy recovery in order that he might fulfil his responsibility in that province, and also that he will be restored to health to make his contribution to our Canadian land.

My colleagues and I are pleased to have this opportunity to discuss with other Canadian statesmen the problems and issues of concern to all Canadians.

Let me begin by making some observations about the attitudes and feelings which I find among Canadians generally, and Western Canadians particularly.

One of the most critical dilemmas facing Canadians is the existence of inequality and injustice among people of different backgrounds, living in different regions of the country -- a condition which has fostered feelings of alienation. The symptoms of this alienation are all around us. The most important in the context of this Conference is the persistent agitation for an independent Quebec.

To a large degree it has been the consciousness of alienation and inequality on the part of Canadians of French origin which has brought these matters to our attention, and has made them subjects of national concern.

Because the underlying causes of alienation and inequality perceived by the French Canadians have to do with such matters as the original terms of Confederation, language rights, governmental jurisdiction and divisions of power, it is only natural that the remedies proposed would involve substantial constitutional reforms.

Ours is a self-conscious age. We welcome the resurgent spirit and consciousness of our French-speaking citizens, and their understandable desire for a new cultural and economic role in Confederation.

We must recognize the deep feeling of alienation and inequality of treatment that are felt by regional groups in Canada which are neither of French extraction, French-speaking, or resident in the Province of Quebec. These feelings may not be cultural in nature, but could prove to be just as dangerous to Confederation as friction between the English and French cultures.

The causes of these other discontents are of such a nature that they may not be readily remedied by Constitutional reforms, but may require actions on the part of Parliament and provincial legislatures of a substantially different nature.

It is my hope that ten years hence we will be able to say that Canada's internal political unity is assured because the alienation and unequal treatment of minority and regional groups has ended, that Canadians of French extraction feel at home in Canadian Confederation and that other minorities and regional groups feel completely at home in Canada.

The Government of Alberta wants to play a constructive part in the elimination of those things that divide us.

Let me suggest several approaches that seem to us to have merit. Where minority alienation or inequality exist within a Province it is the primary responsibility of the provincial government to recognize these conditions and to treat them. If the problems of alienation and inequality overlap provincial boundaries and require national accomodation or intervention, or accomodation by other provincial governments, then the Province concerned should make representation to the Federal Government.

Provincial governments should take their lead from the Federal Government to make Canadians in other Provinces feel at home in Confederation. The Federal Government must be regarded as the ultimate guardian of Canadian unity.

Every effort should be made by the Provinces to make those accomodations which emerge from these Constitutional Conferences and which are necessary to end the alienation or feelings of inequality of Canadians in the various regions of Canada.

Let me discuss for a moment the application of these principles, firstly, to the case of French Canada, and secondly, to the case of Western Canada.

It is now evident that many French-speaking Canadians have had feelings of alienation from the mainstream of Canadian life. Since the majority of French-speaking Canadians are resident in the Province of Quebec, it was only to be expected that the government of that Province should have been acutely conscious of this alienation and inequality, and should have resolved to do something about these conditions.

The Government of Quebec was quite right in concluding that the problems of dissatisfaction felt by many French-speaking Canadians within its jurisdiction could not be successfully dealt with through action by the Government of Quebec alone.

If citizens of French origin resident in Quebec are to be made to feel fully at home within Canadian Confederation, then the conditions giving rise to the alienation and inequality in their case require national accomodation to their needs, and in addition, certain accomodations on the part of other provincial governments.

We recognize that in order for French-speaking people in Quebec to feel more at home in Confederation, action must be taken not only in Central Canada, but on a national scale.

Where changes in Alberta are required to accomodate the French Canadian case, I want to point out that we can get a positive response from our people if we can say that the Government of Quebec has made certain representations to the Federal Government concerning problems of alienation and inequality experienced by its people, and that the Federal Government has recommended what we in Alberta can do to help alleviate these problems.

With specific reference to steps taken in Alberta to accomodate those of French language and origin, we have to date made provision for French to be the language of instruction in Grades I and II, and the language of instruction fifty per cent of the class day in Grades III and up, in those areas where there is a need and an interest. In addition, thousands of our students are taking French in elementary and secondary schools.

The availability of teachers of the French language is always a problem, and we are encouraging the training of additional teachers.

I should point out that only six per cent of our population is of French origin. Alberta's cultural heritage is a mosaic of many ethnic groups, all contributing to the richness of our nation. We want to provide opportunity for all groups to develop culturally and economically.

Although we have reservations about some of the recommendations of the Federal Government, it is our hope to make French Canadians feel more at home in Confederation.

The question, gentlemen, is how can we create conditions which will make Western Canadians feel confident about their role in Confederation?

Are you willing to demonstrate an equal concern, and an equal preparedness to understand and to act upon the problems of alienation and inequality to which Western Canadians are subjected?

For the sake of Canadian unity, it is time certain things were said frankly and without prejudice about the

need to cope with increasing feelings of alienation in the West, and inequalities in the situation of the West.

In general, Western Canadians can be led to sincerely believe that the Federal Government's judgment is fair and its recommendations deserving of confidence when it calls upon us to respond to the case of Quebec, only when the Federal Government demonstrates an equal sensitivity with respect to the case of the West, and a preparedness to recommend those steps necessary to deal with economic discrimination against the West.

As Premier of Alberta, I can speak officially only for that Province, but I feel fully confident that many of the sentiments which I will express in stating the case for the West as perceived by Albertans, will echo kindred sentiments in the hearts of Canadians living in other Western Provinces and the Northern Territories.

Let me say that it would be a tragic and profound mistake on the part of either the politicians or the press, or the general public of Central Canada to underestimate or dismiss out of hand the profound dissatisfaction which does exist among many people in Western Canada. There is a real lack of understanding and appreciation of our regional interests and problems and aspirations in other parts of this Country. We deeply resent the picture which is often painted of the West in the minds of the people of Central Canada.

Westerners are naturally concerned that minds which hold misconceptions may be reluctant or incapable of appreciating our dissatisfactions and our aspirations.

I repeat, however, that it would be a tragedy if this were to continue.

This is essentially what happened in the case of French Canada. For years, spokesmen were saying, "We are not happy in Confederation. We have an orientation which you do not understand, and which you do not try to understand. We have aspirations which cannot be realized under the present system. We are subject to inequities which must be remedied."

But for years and years, the strength and legitimacy of these complaints were either ignored or underestimated.

I can only repeat that it would be a double tragedy if a similar mistake were to be made with respect to the West.

In general, the accommodations which we require include changes in attitude, changes in the orientation of various Federal departments, changes in the operating policies of the Federal Government, and a creation of new policies to cope with the causes of our dissatisfaction.

Allow me now to list some major areas in which Western Canadians feel that their concerns have been ignored, and their aspirations frustrated.

The economy of the West is based to a very large degree upon the production of certain raw resources. We are endeavouring to develop secondary industries, but no matter how much secondary industry we acquire, the specific raw resource industries will continue to be the base of the Western economy, and our primary contribution to the national economy.

The growth of these industries is beyond the control of regional government, though to some extent within the control of the Federal Government. I refer especially to national transportation policy and to tariff regulations.

This need not be a bad situation if it were not for the fact that when Westerners examine the Federal Government's priorities in industrial development, the order which they see is the following: the manufacturing industries in Eastern and Central Canada, the raw resource industries of Eastern and Central Canada, then, the raw resource industries of Western Canada, and finally, the manufacturing industries of Western Canada.

This order of priorities is not a figment of our imagination.

What Western Canadians legitimately desire, if economic justice is to prevail within Confederation, is that our raw resource industries be given the same priority as the manufacturing industries of Eastern and Central Canada.

We desire this equality of priority to be demonstrated, not simply in conference communiques but in concrete ways.

For example, when the Federal Government sets tariffs we would like to give full consideration not only to the needs of certain Eastern industries for protection, but equal consideration to the fact that the costs of these tariffs are to a large extent borne by consumers and Western industries, which must compete with high production costs and high transportation costs in an international market.

It is time the Federal Government recognized the harmful effect of the tariff system on the West, and indeed on the economic health of the nation.

Thirteen years ago, Professor J.H. Young estimated for the Gordon Commission that the tariffs were costing the people of Canada one billion dollars a year.

No reliable figures on the current cost of the tariff system are available. But we have no reason to suppose the figure would be any lower.

It is true the cost of the tariff system is borne by all Canadians. But not all Canadians benefit from it.

It was set up, as we all know, for the protection of secondary industry in Central Canada, chiefly in Ontario. Very few Western industries gained any benefit from it. And most ironically, the tariff system has failed to achieve its very objective of fostering Canadian secondary industry.

A study by Professor J.H. Dales of the University of Toronto showed some time ago that despite tariffs, Canadian economic growth has lagged behind that of the United States since 1870; that the ratio of our Gross National Product to theirs has fallen; that the ratio of our secondary manufacturing to theirs is no higher now than it was in 1910.

And yet, gentlemen, one of our major industries, agriculture, has been rising in productivity compared with the United States, despite very limited tariff protection.

For us, the tariff system symbolizes the economic imbalance of Confederation.

We see the logic of protecting infant industries but some of the "infants" are now eighty years of age and we are tired of paying their pensions.

If the Federal Government is prepared to use its influence to secure entrance to foreign markets for Canadian producers, we want it to work as hard on behalf of the raw resource industries of the West.

The Federal Government used its influence to the benefit of Eastern Canadian manufacturers in securing the recent U.S.-Canada Auto Pact. Will you use your influence to the same extent to help us secure a U.S.-Canada oil pact which will assure the marketability of a larger portion of Alberta's petroleum production in the United States, in the future?

In the field of transportation, we all know what the expenditures of the National Harbours Board in Eastern ports and the expenditures of the Federal Government on the St. Lawrence Seaway have meant, but we in the West, when we consider this whole matter of transportation policy, are wondering what further efforts will be made, such as a Prince Rupert port, to improve the movement of our products to seaboard and to foreign markets, particularly in a westerly direction.

The things that I have mentioned are matters of real concern to Western Canadians. They disclose the existence of economic inequities which we desire to see removed.

When Quebec complained of inequities in French-English relations, the Government of Canada perceived that some of these inequities were real and appointed a Commission on Bilingualism and Biculturalism to help remedy the situation.

The Alberta dissatisfactions are not so much cultural as economic, but they too are real, and they too cause Canadians in the West to feel economically discriminated against in their own country.

We would therefore ask the Government of Canada to remove these inequities. For example, we would suggest the appointment of a commission on tariffs and freight rates, to examine our problems and to recommend solutions.

Albertans await with interest to see if the problems of Western Canada provoke as positive a response as the problems of Canadians in other regions.

Canada's foreign policy and trade policy has been traditionally oriented toward the Atlantic community.

This is understandable historically, but as we look to the future, as Western Canadians we are frankly more interested and more excited in looking to the West rather than back to the East. There has developed in recent years, among a substantial portion of our population, an increased interest in Japan with its millions of people and its shortage of resources; and in Asia with its new nations struggling toward development, and a population that is the largest potential market in the world.

Western Canadians therefore ask that shifts occur in the policy of this country to give as much recognition and attention to the Pacific community as it does to the Atlantic community. If it is one of the functions of the Federal Government to represent Canadians abroad, as Canadians resident in Western Canada we ask that our interests be particularly represented in Eastern countries.

We ask the Federal Government to take special steps to bring the Western Provinces into stronger and better relationships with these countries.

The Federal Government is not reluctant to take special steps to allow strengthening of relations between French-speaking nations abroad and the French parts of Canada, even to the point of increasing foreign aid to French Africa.

Let the Canadian Government send joint Canada-Quebec delegations to French educational conferences in Africa if that is what is desired by Canadians in one part of the country, but at the same time, let the Federal Government send new and stronger joint Canada-Manitoba, Canada-Saskatchewan, Canada-Alberta and Canada-British Columbia trade delegations to the nations of the Pacific community.

At the same time, to facilitate this policy shift, there should also be shifts in the personnel of some of Canada's trade and diplomatic missions, particularly in the Asian countries. Many Western Canadians are tired of going to Asian countries and meeting with well-meaning, but Eastern-Canadian-oriented civil servants who can relate the name of every major company doing business in Montreal or Ottawa or Toronto, but who have never heard of some of the international concerns of Winnipeg, Regina, Edmonton, Calgary or Vancouver. These people represent the interests of some Canadians, but they do not represent our interests.

In articulating this desire of Western Canadians for stronger and better trade and diplomatic representations with the countries of the Pacific community, I am well aware that within recent months the Prime Minister himself has spoken admirably on this subject and verbally acknowledged the desirability of what we request. Western Canadians have applauded the Prime Minister's words in this regard. But at the same time we are regrettably aware that the only significant action which has been taken in the field of Canadian-Asian relations, since the present Government came to power, has been a negative one. I refer to the recent tightening of import restrictions on Japanese goods.

Would it be a national tragedy for Canadian consumers to be able to purchase low-cost Japanese colour television sets if it meant that some workers in Eastern Canada would have to be retrained for new jobs?

High import duties on Asian manufacturers do more than restrict imports. They reduce the amount of Canadian exchange which Asian countries have to purchase Canadian raw materials. Since the bulk of these raw materials are materials produced in the West, such policies restrict our trade and depress the standard of living of our workers.

To many people in Eastern and Central Canada, the idea of northern development is a romantic but rather impractical notion, something which may occur in the distant future, but something which is not of much relevance right now.

But to many Western Canadians, northern development is not something which can be left to the future but something which is already upon us. If the integration of transportation networks, population movement, social services and educational opportunity in the Northwest is to be accomplished smoothly, northern development planning and action on the part of the Federal Government should be much further along than it is at present.

If we compare the development of Alaska in recent years with the development of the Yukon and the Northwest Territories, we are disappointed. The painfully slow and often tragic story of northern development in Canada is not the fault of the tiny bands of pioneers who now reside there. The basic blame must be borne by the Federal Government.

Alaska is being developed by a southern people - the Americans. It is appalling that we, a northern people have not been able to match their efforts, at least in imagination and purpose, if not in magnitude.

The Federal Government of the United States granted Alaska her status as a state. The Federal Government of Canada has had the responsibility of managing our northern territories for as long a period, and yet to date the prospect of greater autonomy for the Yukon or the Northwest Territories is not even in sight, and the residents live under a suffocating Federal colonialism.

And so, we Western Canadians ask, what about northern development?

If the Federal Government does not intend to act, or cannot act, would the Government contemplate giving the Western Provinces an extension of their jurisdiction? Northern development is an aspiration of Western Canadians. Opportunities for its fulfilment must be provided.

Development embodies our aspirations. National policies and attitudes which retard our development or relegate our concerns to a low priority position are the inequities which we seek to have redressed. A positive response to our developmental needs must involve action and development financing.

We do not ask for handouts or preferential treatment. Rather, we ask that a national fiscal and monetary policy, recognizing the uniqueness of our situation, be developed and pursued along with policies recognizing the uniqueness of other regional areas.

In particular, in the field of capital formation we wish to point again, as we have in the past, to our most urgent need for domestic capital investment in Western potential. We request policies that encourage the diffusion of existing capital rather than its centralization in the few key industrial areas, and which encourage more Canadians to become shareholders.

We wish also to point out that not only domestic capital, but foreign capital will be required for Western economic development.

It is sad, but true, that in the history of Western Canada there has often been a greater willingness on the

part of foreign investors to gamble on our potential than there has been on the part of investors in Eastern and Central Canada.

In Alberta's experience, for example, we simply could not find entrepreneurs in the financial centres of Central Canada with sufficient resources or interest in Alberta to gamble on our oil in the early days. If it had not been for American capital, much of our petroleum would still be in the ground.

So we ask the Federal Government not to pursue policies that restrict the flow of foreign capital to our regions, but rather to pursue policies which will encourage it.

We ask for a positive economic nationalism, not a negative one. We ask for an economic climate which seeks to encourage all the foreign capital and technology we can absorb, as long as it respects our sovereignty.

We know the fears of United States domination in the Canadian economy.

Our hope is that our economy become as Canadian as possible, and that every Western Canadian become an investor. But we also believe that when necessary, and it is necessary now, we utilize foreign capital and technology extensively, as long as we acquire a fair return on the development of our resources for our people.

We as Canadians can still retain the economic and political controls required to ensure that foreign investors behave responsibly and in accord with Canadian interests.

In Alberta, much of our petroleum industry is U.S.-owned. Ownership, however, does not involve blanket control, and the difference can be established by wise legislation. No fair-minded and knowledgeable person could demonstrate that American oil companies run Alberta. They operate by our rules, and we both benefit.

We sincerely believe that there is such a thing as a fair partnership in international economic relations. Both sides can benefit, and this is what we mean when we talk about "encouraging foreign investment".

We ask therefore to recognize our specific needs in the field of capital formation. We have a need for more domestic investment and a need for foreign capital and technology as well.

In the field of monetary policy we ask you to recognize the difference in our state of economic development as compared with that of Eastern and Central Canada. We are just beginning to build our secondary industries. We ask therefore for an end to blanket monetary policies and interest rate regulations that treat the country as though every region were at the same stage in its capital formation and industrial expansion.

When you tighten credit across the board because the economy is heating up, what this means in Ontario is that a factory which is already built must defer its expansion. But what it means in Manitoba, Saskatchewan, Alberta and British Columbia, and in parts of Quebec, is that the factory does not get built at all.

The discriminatory nature of blanket monetary policy is one of the primary causes of the slow growth of secondary industry in the West.

In the United States the central bank is organized on a regional basis. Might not the same thing be done in Canada with real autonomy for regional branches of the Bank of Canada, which would enable them to take into account the unique economic needs of the areas they serve?

In recognition of the high regard which many Western Canadians have for the capabilities of enlightened private enterprise, we ask for an expanded role for the private sector in the field of social services and social development.

What we ask of the Federal Government is policies which will facilitate this kind of private involvement; particularly we ask that the private sector be allowed to write off, for taxation purposes, at least a portion of the expenses incurred in meeting such social obligations.

Finally, in the area of regional development programming, we ask that the regional development department of the Federal Government pay much more attention to developing areas of the West.

Even more important, we ask the Federal Government to invest in high potential as well as depressed areas. We ask for a balance. In the past three years the Federal Government has committed hundreds of millions of dollars for comprehensive economic development programmes in low income areas. How much money has the Government poured into high potential areas? These figures should at least be related, and if they were, the West would receive a much higher proportion of regional development funds from the Federal Government than is presently the case.

Often the terms of reference of development funding programmes, such as the original Area Development Incentives Act, are drawn up in such a way that the incentives are not of the type that would fully stimulate manufacturing developments in Western areas. We seldom experience meaningful prior consultations.

In short, therefore, we ask particularly that the Federal Government distinguish between - or at least strike a balance between - welfare economics and development economics on the part of its regional development department.

These are some of the major financial concerns of Alberta. We ask and await a positive response. Without such a positive response it will be increasingly difficult to ask our people to make sacrifices to remedy the financial concerns of others.

In particular, we ask for more flexible guidelines in foreign investment and the increased participation by all Canadians in capital ownership. We ask for specialized rather than blanket monetary policies. We seek regional reserve banks to serve regional economies, tax concessions on limited profit opportunities for the private sector in the field of social development, and equity in regional development policy.

In presenting these concerns of Alberta, let me touch on the matter of representation in national discourse.

I have already alluded to the fact that much Federal legislation in areas where the West has vital concerns is formulated without any real consultation with us. Because of the proximity of provincial governments in Central Canada to the national capital, they sometimes appear much more influential than ourselves in securing Federal

legislation favourable to their requirements and often equally unfavourable to our requirements.

We would consequently ask that greater consultation take place between the Federal Government and the Governments of Western Canada on those issues in which they are vitally affected.

We need, and desire, more equitable representation on Federal Government boards, commissions, task forces and so on. Even this will not bring us positive returns unless there is also an effort on the part of the Federal Government to consult with us much more freely and much more readily than it has in the past.

The problem of obtaining fair representation for the West in national discourse goes far beyond the acquisition of a fair representation in government circles. Even more important is the need for a fair presentation of the needs and concerns of the people of the West among the general public in Central Canada.

We often get the impression that the national media and the representatives of the media in the large centres of Central Canada are not interested in the views of the representatives from the West. There is too little interest, it seems, in reporting the attitudes of our representatives in depth to the people of the nation as a whole, but particularly to the large population centres in Central Canada.

There is not much that governments can do to ensure the presentation of broader viewpoints to the general public. I therefore appeal to journalists, commentators, and the many men of good will in Central Canada to help raise the level of dialogue between our two regions of the country.

Many of the points we have discussed point to the need, indeed the absolute necessity, for a new look at tax sharing and financial arrangements between the Provinces and the Federal Government. The growing chasm between the tax resources and fiscal responsibilities of the Provinces is fast becoming our greatest domestic affliction.

Now, in conclusion, my message to the Conference is this:

We will co-operate with the Federal Government to the fullest extent of our ability to bring regional alienation and inequality in Canada to an end, but there must be a corresponding effort on the part of the Federal Government and the provincial governments of Central Canada to recognize and accommodate the concerns of the West.

National accommodation to the concerns of the West will require more than Constitutional changes.

It calls far more for practical changes in the attitudes, emphases and implementation of the operational policies and decisions of the Federal Government.

In any event, when future Constitutional changes or new national policies are proposed, we will examine them very closely to see if they provide expanded opportunities for the realization of the aspirations of Western Canadians.

Thank you, Mr. Prime Minister.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you
Mr. Strom.

Now we will ask Premier Smallwood, the leader of the Newfoundland delegation and Premier of that government, to speak on behalf of his Province.

Opening Statement by
THE HONOURABLE J.R. SMALLWOOD
Premier
of the
Province of Newfoundland
to the
Second Meeting
of the
Constitutional Conference
Ottawa — February 10, 1969

Opening Statement by
THE HONOURABLE J.R. SMALLWOOD
Premier
of the
Province of Newfoundland
to the
Second Meeting
of the
Constitutional Conference
Ottawa - February 10, 1969

Prime Minister, you yourself this morning, with great eloquence, expressed Newfoundland's point of view far better than I could do it so I might stop right here, by I won't. And I think I have never read or heard anything before so eloquent an expression of the meaning and significance of a Constitution as your remarks in the early part of your speech.

I must admit that I realize more than I had ever done before the meaning of a country's Constitution. It is far more than perhaps we normally think it to be.

Now, I am not going to try to add to what has been said here today about constitutional reform. I am going merely to say that what you said is what we would say; that what Premier Smith said from Nova Scotia expressed almost exactly what Newfoundland feels. He spoke for us and so did Premier Robichaud in almost a perfect expression of Newfoundland's point of view in these matters today.

Some of the things said by Premier Weir, a good many of them, expressed our point of view. A wee little bit of what Premier Bennett said; say, two per cent of what he said. And, by the way, talking about Premier Bennett - he doesn't mind - he appeared to be annoyed with my question ---

HONOURABLE W.A.C. BENNETT: Oh, no.

HONOURABLE J.R. SMALLWOOD: He appeared to be annoyed. I was trying to support him.

HONOURABLE W.A.C. BENNETT: Some support you can do without.

HONOURABLE J.R. SMALLWOOD: No. I was trying to support him by putting a little reason into what he said.

I enquired if this territory he wants for his Province - and he wants the Prairie Provinces to have - was not at the moment the property of all of us. I don't think he would deny that. And I wanted to know if British Columbia got a big slice of our common property and the Prairie Provinces, what would the rest of us get by way of compensation.

He said, "You are getting equalization." You don't want to take that from us, do you?

HONOURABLE W.A.C. BENNETT: In fact you may be able to put up some of the shared costs of the enormous amount involved in that area which would bring back hundreds of millions of dollars to the Federal Government mostly being spent in Newfoundland.

HONOURABLE J.R. SMALLWOOD: The very map that Premier Bennett circulated to us here shows us that between 1905 and 1912, I think, great slices of commonly-owned territory in Canada were given to Manitoba and Ontario and Quebec by Canada. Now, this surely was by way of compensation for the commonly-owned land that Canada gave to Alberta and Saskatchewan.

Anyway, I put in my claim now, Prime Minister. If British Columbia is going to get some of my land there in the Yukon or the Northwest Territories, I will send a bill. We want some compensation for that.

THE RIGHT HONOURABLE P.E. TRUDEAU: We will give you back some iron.

HONOURABLE J.R. SMALLWOOD: If we have a survey of the site, we will take it.

Premier Campbell of Prince Edward Island spoke for us as well, so really there is not much left for me to say,

although I cannot help saying, Prime Minister, that I am quite unable and I have tried - I have been ranging it over now in my mind and I am not able to think of anything that could generate such dividends of Canadian unity and goodwill at such a truly trifling cost as this proposal of yours to establish linguistic and cultural equality.

The investment would be at practically no cash cost whatever to Canada. It would mean just a small expenditure of toleration and of generous Canadian spirit. How in fact can we do less? A trifling investment yielding very considerable national dividends. This is surely part of high statesmanship. Surely this is what Canada needs right now and what is the alternative?

I cannot help wondering what our seven million Canadians across Canada in the ten Provinces whose mother tongue is French - what are they to think? What are their feelings about Canada to be if Canada rejects this reasonable and modest proposal?

I cannot help wondering if French-speaking Canadians all across Canada cannot have at least that much, then what can they have? Are they not bound to ask that question?

Now, that is all I want to say about the Constitution. All of this we believe - and it is a matter of emotion, a matter of justice. We believe it. But, Prime Minister, I will be very frank and say that the matter that really bites into our vitals in Newfoundland, as I am sure it does in New Brunswick and Nova Scotia and Prince Edward Island, and possibly other parts of Canada; the thing that really is the gut issue for us in Newfoundland is this matter of economic and fiscal disparity between the Provinces and between other regions of Canada, groups of Provinces or even parts of one Province as against other parts of the same Province. This is the issue for us.

Now, that is on the agenda and I hope to have a chance to speak to it if it comes up later this week.

May I conclude by saying that what we do want really in Newfoundland is a Parliament at Ottawa and of course a Government at Ottawa that have ample authority and ample means to direct the growth and development of Canada as a whole: and to help financially those Provinces that need help to have growth and development there as well.

If Newfoundland - and I put it to you practically - if Newfoundland at any time in the foreseeable future, maybe not fifty years hence or maybe not twenty-five years, but in the practical, foreseeable future, needs help, to whom do we go? To the Government of Ontario or to the Government of Manitoba or the Government of British Columbia? Do we go to the Government of Quebec or the Government of Alberta? We apply to the Government of Canada. This is our Country. This our national capital. This is the government of our great Nation: Ottawa. The Parliament and Government of Canada.

It is no use our looking to anyone else and indeed it is no use our looking to them unless they have the authority and the means to be of help to us, so that is why I suppose it is arithmetically simple really. This is why the Provinces that used to be called the "have-not" Provinces are not called that any more because it is not true any more. They have less than some others but they are not necessarily "have-nots".

Those that have less believe so strongly in a strong central Parliament of Canada and a strong and resourceful government; resourceful in money as well as other things, and I don't know if any Premier here can veto or say, "Nyet" - is that how you say it? I don't know if any Premier is prepared to veto in this Conference, but we would positively veto any proposals that would weaken the Parliament of Canada or the Government of Canada and as somebody said very wisely - somebody said - I think Premier Campbell said, "We want a strong central government but not ...". How did you put it?

HONOURABLE A.B CAMPBELL: I will tell you tomorrow.

HONOURABLE J.R. SMALLWOOD: We do want a strong central government and anything that leads to that will have the support of the great Province of Newfoundland.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, Mr. Smallwood.

Well, as Chairman, I want to thank all the heads of government for their very fine and useful statements. It is obvious that we are all united in our commitment to Canada and its people, and I think the fact that we were able to state our differences and express our aims bluntly with or without the aid of maps will just make it easier

for us tomorrow to progress on the various items of the agenda.

I think, although we are to adjourn at five, it may be useful if we take a very few minutes to look at the agenda in the hope that perhaps tomorrow morning we would be able to start off on a basis on which we either agree or not, but on which we would have discussions.

Please turn to the Conference Agenda which appears on the first page of the Conference Briefing Book.

We will be now at Item 2 on the agenda and I might say that 2(b) can take about five seconds. I think since last week all of you have had it in your hands, since last Monday or so, and that is the Report of the Continuing Committee. Therefore, we will not go through the motions of tabling it. We will take it as at least possessed, if not read, by everyone.

Item 2(c) I think we can very easily decide to postpone till the final hours of our Conference. It is the Procedure for Constitutional Review.

I think after we have discussed the other items we will decide what committees of ministers or premiers or of officials or sub-committees we will wish to set up to proceed with this constitutional review.

Therefore, we are left with 2(a) which is a general discussion of the objectives of the Constitutional Conference, and I take it in this item we would want to talk about what we want to do here through the next three days and this is the subject matter of the agenda.

If I can state quite briefly the way it strikes me now after having heard the Provinces and having the correspondence that we have exchanged, I think there is a definite insistence that we deal with Items 4(a), Official Languages, 4(b) on Fundamental Rights, 4(c), Distribution of Powers (including constitutional aspects of taxation and spending powers) and 4(e), Regional Disparities.

You will notice that this order is one that emerged from the Conference of last February, and we did not modify it except to expand Figure 4(c) to specify that we would discuss under that taxation and the spending powers.

I might suggest, if we can reach fairly quick agreement on it, but I do not want to curtail discussion, would be that if we skipped over 3, - it would be a very useful debate - but perhaps one on which we will be able to return later - if we take 4(a), (b), (c) and (d) and if we made sure we will be tackling them all, one suggestion might be to deal with 4(a) tomorrow morning and when that is finished 4(b). And if that is not finished by the time of adjournment tomorrow noon we could then even, if it seemed a very short operation, finish in the afternoon, or else perhaps preferably carry it over to the next morning so that tomorrow afternoon we could begin with 4(c). Then when that was finished, go on to 4(e) tomorrow afternoon, and there again if that were not finished tomorrow afternoon we would finish it the next morning.

Which would leave the day of Wednesday free for, in the morning, finishing whatever remained of 4(b) on Fundamental Rights, and 4(e) on Regional Disparities, and the remainder of the morning and the day of Wednesday could permit us to address ourselves to item 3, Objects of Confederation, item 4(d) Reform of Institutions Linked with Federalism, 4(f), (g), and then return to 2(c), being the procedure for what we did from Wednesday into the future.

I suggest that we certainly would not have any objection to reversing that if you want to begin immediately.

Yes, Premier Bennett?

HONOURABLE W.A.C. BENNETT: 4(c) becomes 4(a)? Just reverse it?

THE RIGHT HONOURABLE P.E. TRUDEAU: If this is the general desire you would want to begin with 4(c) tomorrow morning and go on with 4(e) tomorrow morning? And then tomorrow afternoon we would take 4(a) and (b)? If this is the general desire I have no objection to it. I think we all want to make sure that these items are dealt with in due course, and we are prepared...

HONOURABLE W. WEIR: My correspondence has not really been related to the agenda that is here because in terms of long term I believe that the agenda is covered satisfactorily. I do not really care what order it is in.

But my concern is, as I tried to point out in my opening remarks, the operation under the existing Constitu-

tion, I believe, Sir, that you have an opportunity here by positive action for the short term to really give constitutional change a real helpful start.

As I said before, good will on all sides is what is necessary, and my concern is that we be able to get along in the meantime, and I would be satisfied in terms of the agenda in any way if the Federal Government would make a statement to the Canadian people - not necessarily to us, but to the Canadian people - because I think they are concerned about the total tax load that they have got.

If they would make a statement to the Canadian people saying they would convene as soon as possible a meaningful conference of ministers of finance, possibly as a sub-committee of this Conference, to resolve urgent matters of mutual concern, and that the Federal Government would freely negotiate this situation, and if they would say - if they would agree that during this period of time between the Conference that they would impose no new taxes in fields that were shared jointly without ministerial consultation and reasonable consensus of Provinces, and if they would agree they would not bring in any new programmes in that period of time that would be shared jointly without some full consultation at the ministerial level and some reasonable consensus, and if they would agree they would not cancel any existing programmes without consulting with the Provinces and some kind of reasonable consensus, because I think every provincial government is attempting to plan its budget and it needs to be able to look ahead a reasonable period of time, and I think, to coin a phrase that is being used around the table, if we could have participatory democracy in this field, if we could go on under these terms and conditions, that we could have some real good discussions in terms of the long view of Confederation.

THE RIGHT HONOURABLE P.E. TRUDEAU: I think if we were to agree to all these things perhaps we would not need to have the discussion, but perhaps we would not have much of a central government left.

I think it might be useful, Premier Weir, if we were to spend perhaps half a day or at least some hours so that you could state your point of view and we would hear that and other Provinces on this point, and then we would agree, I would say, Sir, right now we would agree to your suggestion to convene whenever Provinces are so disposed a meeting of ministers of finance, of ministers of regional development, or whatever ministers we decide are the

appropriate ones to discuss these questions.

I would say right away at the outset that we are anxious and willing to co-operate with the Provinces, and whatever mistakes we have made are not due to ill will but they are due to the fact that I think we are all discovering we are in a new area where consultation is something much more urgent than it was in the past.

I suggest we should perhaps say these things to each other and see what areas of agreement and disagreement there are, and then we could take your suggestion and refer the whole matter (if we have not completely agreed by tomorrow) refer the whole matter to a committee of Federal-Provincial finance ministers or other ministers to debate the constitutional aspects.

HONOURABLE W. WEIR: I don't know that I understand your suggestion. Your suggestion is we talk about the long term and not short term.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well...

HONOURABLE W. WEIR: I think, Mr. Prime Minister, our objectives are the same, and I am the last man in the world that will criticize you for trying to balance your budget and get things in control because I agree that is necessary. But my concern is that a move you can take can escalate taxation in our field and the people in Canada are going to be faced with increased taxation as a result of it; not reduced taxation.

And I think we are defeating your purpose as well as our purpose by not agreeing at this stage of the game.

We have joint areas of responsibilities that we have accepted over a period of time. We have joint areas of taxation that are there. The Government of Canada still has indirect taxation fields in which they can move freely without consulting Provinces and going down the line, and I really believe if we can have a meeting of minds on this in this direct tax field where we can talk about it, you would still be free to go ahead, but at least there would be some consultation. We would have a means of planning.

I think the people of Canada would be the winners if we could arrange for this kind of consultation amongst ourselves. I think it is surprising, maybe, how well we would come out in what we were trying to achieve collectively.

THE RIGHT HONOURABLE P.E. TRUDEAU: I think we would agree to that. Let us try to have this meeting of minds as you suggest for a little while tomorrow rather than joining the issues tonight. You would surely have no objection that we continue this little exchange either tomorrow morning or tomorrow afternoon according to whether we take 4(a) and (b) first or 4(e) and (c) first.

HONOURABLE W. WEIR: Me. Prime Minister, the only thing I have been striving to get is an opportunity to talk about between "now" and "constitutional change" onto the agenda some place.

THE RIGHT HONOURABLE P.E. TRUDEAU: What is the feeling on that? Do we take 4(a) and (b) in the morning and the other in the afternoon or 4(c) and (d) in the morning and 4(a) and (b) in the afternoon?

HONOURABLE J.J. BERTRAND: Mr. Chairman, am I to understand that the problem raised by Mr. Weir being an immediate problem, a "short term" problem, it will be discussed tomorrow morning? Is that what you have just said?

THE RIGHT HONOURABLE P.E. TRUDEAU: In my opinion, tomorrow morning we should have looked at (a) and (b), "Official Languages" and "Fundamental Rights". In the afternoon we should have looked at 4(c), "Fiscal Matters and the Distribution of Powers", and 4(e), "Regional Disparities". Premier Bennett has suggested that we reverse this order. I am quite ready, if you are, to tackle finances on an empty stomach instead of languages. We have no objections.

HONOURABLE J.J. BERTRAND: Anytime. Especially now that we have our Ministers of Finance with us. They are preparing their budgets and therefore are no doubt very interested to know whether, notwithstanding your declarations that the Provinces should raise their own taxes, they can still hope to get some further percentage points from the Federal Government. In this way the Ministers of Finance could fulfill the expectations of their Provinces and still balance their budgets.

Mr. Chairman, I am ready for this discussion; whether it is held tomorrow morning or tomorrow afternoon is of no consequence.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, there is agreement then on proceeding this way. But there is some

uncertainty as to whether we would take finance first and the other in the afternoon or vice versa. Can I have one opinion on this?

HONOURABLE W.A.C. BENNETT: Finance for the Constitution; not immediately?

THE RIGHT HONOURABLE P.E. TRUDEAU: Finance for the Constitution.

Well, if that is agreed...

HONOURABLE W. WEIR: Can you tell me when we would be dealing with the immediate situation?

THE RIGHT HONOURABLE P.E. TRUDEAU: We are prepared to deal with any and all aspects of the situation tomorrow morning, Premier Weir. I think it might be useful if we try and also think of the constitutional situation.

HONOURABLE W. WEIR: All I ask, Mr. Prime Minister, is that we come to a conclusion some time, because last year I allowed myself to be pushed off taking a ministerial committee and I found I just had to keep on going. And if I don't, why, it will get pushed out of the agenda the other end. And I am not going to let that happen this year.

THE RIGHT HONOURABLE P.E. TRUDEAU: That is why I am suggesting we could have it in the morning rather than in the afternoon, if the Conference so prefers.

Agreed?

SEVERAL VOICES: Agreed.

THE RIGHT HONOURABLE P.E. TRUDEAU: The Conference is adjourned until tomorrow morning at ten o'clock.

THIRD SESSION TUESDAY MORNING
Ottawa — February 11, 1969

THIRD SESSION: TUESDAY MORNING

THE RIGHT HONOURABLE P.E. TRUDEAU: I would like to welcome you to the Federal Provincial Conference.

I believe that after last night's efforts we should deal with the proposed agenda.

We had agreed yesterday afternoon, at the time of adjournment, to deal this morning with items 4 (c) Distribution of Powers, especially from the point of view of the taxation and spending powers and 4 (e), Regional Disparities. This afternoon we had agreed to deal with 4 (a) and 4 (b), Official Languages and Fundamental Rights so that if either of these subjects was not concluded this afternoon we could continue with them tomorrow. Of course, if the discussion ends earlier we would automatically move to the next item.

I might make a proposal by way of announcement before getting into the discussion. It would be a suggestion if the heads of governments are agreeable to it to have a meeting over the noon hour after our adjournment at 12.30 of the Continuing Committee of Officials who might want to get together to look at a certain number of proposals we could or they could begin working on, with alternative outs, of course, to permit heads of government, when they reach any conclusion on the subject, to have something of a draft in front of them, if we decide to refer a subject to the Continuing Committee of Officials or to a Committee of Ministers as Premier Weir said. We might have them work on a draft of sorts for various items on the agenda, and although they should not be in a position to tell us what we should conclude, they might be able to speculate on the various conclusions we might draw, and accelerate our work, the draft part of it.

If that is agreeable to everybody I would ask federal officials to make arrangements to meet with the provincial members of the Continuing Committee of Officials so that they could sit down over the noon hour.

On the items we are dealing with this morning, 4 (c) and 4 (e), Distribution of Powers, including constitutional aspects of taxation and spending powers, I

take it that the discussion will be essentially on taxation and spending powers; that the Distribution of Powers, proper, the whole area of that subject, will not be discussed this morning.

Of course, it could be for anyone who wished, but it would take time away from the financial aspect which I believe should be dealt with at as great length as necessary.

Therefore it would mean essentially this morning we would be taking taxing power and the spending power, and I will ask one of the premiers who wants to raise this to lead off the discussion. I could only remind you perhaps, in my function as Chairman, that, if it is at all possible, we should have this discussion in the context of the constitutional debate. It might be useful also to recall to mind what the Constitution says on taxing power and spending power.

On taxing power it provides that the Provinces are empowered only to impose direct taxes. For the individual citizen this means income tax, retail sales tax, gasoline taxes, liquor taxes, property taxes and corporation income taxes. There are others, but this is the main thing it means for the citizen, and this is the main area where provincial governments under the Constitution can tax.

A Federal Government has these taxes too, although it does not use the property tax, but it also has the indirect taxes, and by "indirect taxes" roughly speaking and in practical terms this means customs duty or the tariff and indirect sales tax which is collected from the manufacturer.

Therefore, in practical terms the Constitution says that both the Federal and the Provincial Governments have the power to impose the major taxes, taxes on income, taxes on property and taxes on sales.

I might add in terms of total revenue the Federal Government levies just about slightly over 50 per cent of these taxes, and the Provinces just slightly under 50 per cent.

If I could add another important fact: much of what the Federal Government collects (something in the order of 20 per cent) it turns over to the Provinces, so the issue we will have discussed, and once again it will eventually have to come out in terms of the Constitution, is how can we achieve a balance between respective revenues and expenditures of each government? Not only today, but how can we do it in the future.

The second and related issue is the issue of the spending power. The Constitution does not use the word, but we all know the power of the purse or spending power is a form of prerogative exercised by not only Federal Government but also Provincial Governments.

In the Federal case it has been under that spending power on programmes like hospital insurance, social assistance under the Canada Assistance Act, Medicare, Health Resources Fund, and several other examples I gave yesterday. It is under this spending power that they come to exist through the Federal Government.

The Constitution the way we have interpreted it is to the effect that these programmes must be legislated and administered by the Provinces, but the Federal Government can support them by way of federal grants. It is in this way that 30 per cent of total provincial revenues come from the Federal Government. So the question I take it, on the constitutional question which is raised, is whether Parliament ought to have this power under the Constitution, this spending power, and if so whether there ought to be some rules about how it is used. Should it only be used to correct regional inequality or should it only be used to have equalization grants, or in areas which impinge on provincial jurisdiction? Should it only be used in consultation with the Provinces, and if so would unanimity amongst the Provinces be needed for us to use it, or a majority, or what?

These are difficult questions, but they are the ones we will have to face. If we cannot solve them this morning we will have to ask, I take it, our officials to prepare to have a further meeting between ourselves.

I do not mind, once again, discussing limitation of spending powers, and I am sure you do not either,

but we would like to know in the future how you would want the Federal Government to use it. I suggest the past is a little bit difficult to undo. It has been used for a hundred years, and though I am sure we will be talking about some of the past programmes and we will debate these as best we can, we will hope that in terms of constitutional review we will be looking for guidance for ourselves for the Canadian people under the Constitution as to how Provinces would want us to use this spending power because we would like to do the right thing. We would like to have what is a government by satisfactory consultation or communication, and we are anxious to have ways in which we can spell out the rules of the game. That is to say, the Constitution.

This being said, and I hope I did not abuse too much of my prerogative as Chairman, I would welcome an opening statement on the difficult problem of taxing and spending power by any of the provincial premiers who want to speak.

Mr. Bennett?

HONOURABLE W.A.C. BENNETT: It is not primarily a question of spending power. It is primarily a question of income or taxing power. Decision of the National Government on taxing powers. If the National Government has the money, they are going to spend it, even if it is not their own jurisdiction, and that has been our difficulty in Confederation.

We haven't had that trouble for the full one hundred years. It started in the First World War when Sir Thomas White was Minister of Finance. He entered the income tax field for the first time, and that is not a hundred years ago.

He gave a statement that this was really a provincial government field and not a federal field, and after the war they would have a new look at it. Then came the Second World War, and the Federal Government occupied the field completely, themselves, and then since the Second World War, in the greatest expansion period of all time, these revenues have grown tremendously. Instead of surrendering the legitimate field to the Provinces, they hold on to the revenues.

They have held on to the provincial field, and that is where we are in great trouble, with the Province of Quebec -- in that respect British Columbia agrees with Quebec -- and that is where we are in difficulty on the Constitution, so I would say that is the place for us to deal with it, and we go at it in this way: on the list of powers of the Federal Government, on page 25 of the British North America Act, 1867 to 1967,

- (91) 1A. Says "public debt of property". No problem there.
2. The Regulation of Trade and Commerce. No problem there.
- 2A. Unemployment insurance. No problem there because the people have the right of movement across the Country -- number 3 is where all the difficulty comes from.
3. The Raising of Money by the Federal Government by any Mode or System of Taxation.

This has been the field which has been abused by the National Government, and that is where all the trouble comes because no revenue is safe for the provincial government with this federal power because not even property tax in a municipality is safe. No tax field is safe for the Province and the municipalities and the cities, from the Federal Government using them. Whereas Sir Thomas White said it was really a provincial field, the Federal Government is refusing to surrender it. That is our great problem, so as Premier of British Columbia I suggest we take that out of the federal taxing powers.

THE RIGHT HONOURABLE P.E. TRUDEAU: You would suggest the Federal Government has no right to impose direct taxation, is that it?

HONOURABLE W.A.C. BENNETT: That is right.

THE RIGHT HONOURABLE P.E. TRUDEAU: Or just income tax?

HONOURABLE W.A.C. BENNETT: I would say we take this out, raising money by any mode or system of taxation. Take that out. And then let us define what the modes are of taxation, but not have the all-over declaration that they can go in everything and anything.

THE RIGHT HONOURABLE P.E. TRUDEAU: How would you suggest we define it?

HONOURABLE W.A.C. BENNETT: Let us agree on that one first, that you won't have that overall. And then let us deal with it point by point.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, the position of the Federal Government is that the whole Constitution is up for grabs, if I can use that expression ---

HONOURABLE W.A.C. BENNETT: This is not an expression: this is a definition.

THE RIGHT HONOURABLE P.E. TRUDEAU: -- for the purposes of discussion I would concede we are prepared to abolish this section of the Constitution and discuss what it should be replaced by, providing we can find agreement on what it should be replaced by.

HONOURABLE W.A.C. BENNETT: Yes, but let us deal with this first, and then let us agree because the whole Constitution itself will not be agreed to now but tentatively agree to this.

THE RIGHT HONOURABLE P.E. TRUDEAU: Are you suggesting, Prime Minister Bennett, that now we agree the Federal Government not have the right to any taxation? We should agree on this first?

THE RIGHT HONOURABLE P.E. TRUDEAU: O.K. We agree to that. We do not go into property taxes now anyhow.

HONOURABLE W.A.C. BENNETT: Let us agree on this one thing first.

THE RIGHT HONOURABLE P.E. TRUDEAU: All right.

HONOURABLE W.A.C. BENNETT: And then we go on specifically.

THE RIGHT HONOURABLE P.E. TRUDEAU: What specifics? Would you like us to evacuate direct tax completely and all our budgets would have to be raised by indirect taxation. Is this the proposal you would like to make?

HONOURABLE W.A.C. BENNETT: I would like to have a discussion regarding that with the Federal Government of responsibilities the Federal Government should take in our Country for the next period, and then you define what taxation fields you should be able to enter, we as Canadians should all enter through our National Government. What should be the responsibility, and I do not think we can define that until we start to find out what we agree on .

THE RIGHT HONOURABLE P.E. TRUDEAU: What their responsibilities are? Therefore, before discussing taxing you would like to discuss distribution of powers but I am afraid that is not what we agreed to yesterday.

HONOURABLE W.A.C. BENNETT: Distribution of the Federal power -- of the federal responsibilities; not federal power, but federal responsibility to the people of the whole. Because there was a great statesman who came from I think the Province of Manitoba and then became a Minister under the Federal-Liberal Government.

He then was a great senator. And two years ago I talked with him, the late Senator Crerar. He told me that 40 years ago he was a great centralist, 30 years ago he was a great centralist, ten years ago he was a great centralist, five years ago he was. But now, he said -- now he thinks that the National Government, because Canada is grown up now and has so many things to do in the world, in the League of Nations and the United Nations and everything else, and foreign trade etc., that the Federal Government is tied down with too much detail. And if the Federal responsibility was given to questions on all treaties, everything to do with other nations, everything to do with treaties of other countries, everything to do with the currency of the nation, everything to do with complete control of central banking and the control of chartered banks in your country and those general things, then when you come to these questions of health and welfare and education, those questions that are domestic should be handled by the Provinces or the regions.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, we see the importance of this, Prime Minister, but yesterday we had agreed that this morning we would not discuss distribution of powers in general -- what you are doing now -- and whether the Federal Government should have

some powers, but we would discuss fiscal problems and the spending power.

I don't want to use the gavel, if this is the desire of the Conference. I don't want to force my views, Mr. Prime Minister. I am only making a suggestion.

HONOURABLE W. WEIR: May I find out now exactly where we stand? This is the temporary situation. If we are talking about the long-term financing, I have some views on that.

I am more concerned before we get into that, if we can, that we put ourselves collectively to considering the position as regards the taxpayer in Canada today, while we are talking about the next ten years. And I think that it warrants the concern of all of us to look at our position and see if we can't find a means of agreeing how much money the public purse can afford for public services, and stop the teeter-totter that is going on between us, and elevate the tax load on the taxpayer.

The suggestion that I made yesterday was that, if we agreed that there would be a meeting of finance ministers in due course, as soon as it can conceivably be got ready, and if we could agree that in terms of the direct tax field that the Government of Canada would not make any great advances into the shared-cost programmes, or any retreats out of the shared-cost programmes, or any new taxes in the shared-cost field, without some reasonable consultation amongst the Provinces -- because I think we have a legitimate concern. I think we share the same views. It is a matter of mechanics as to how we can iron it out.

If we could come to some resolve on the immediate, I have got some views in terms of the long term on detail. I have all kinds of screeds. But I would like to try that one on for size.

THE RIGHT HONOURABLE P.E. TRUDEAU: All right. Could we have some discussion on these propositions -- essentially that we do not enter into any new tax-sharing agreements or new joint-cost programmes.

HONOURABLE W. WEIR: That is not what I said. You don't do it without some consultation and some reasonable

consensus, so that the impact on the Provinces as to whether or not -- for instance, if you want to withdraw from a programme. I think we are all looking for obsolete programmes we can withdraw from. But if Ottawa has a programme they believe is obsolete in some sections of the Country and it might not be obsolete in other sections, the withdrawal of that programme and the spending of the money in another area is a hardship, plus additional taxes to participate in the new programme that is being advanced. And I think we have a joint responsibility in this area to consider the impact on all of us as we move forward.

I am not suggesting for a minute that we stand still. I think that if we want to advance socially and economically within the nation we have to do so by considering some of the obsolete policies and programmes that we have. And in doing so I think we can move forward. But we cannot move forward by just straight advances and not considering some of the obsolescences that are built in.

There is only one way that you do that, and that is add tax on tax on tax on tax. And in my view, in a Country with twenty million people and, even more important so far as I am concerned, a Province with a million people, being able to compete in the economic markets of the world is pretty important. And our cost of providing public services is part of our built-in cost of production.

In terms of Manitoba I am not really interested -- well, I am interested; I am more interested in getting "Made in Manitoba" labels on the shelves in John Robarts' Province than I am on the shelves of Manitoba.

I am interested in the North American Continent. We are one million people out of a continent of 220 million. We have to compete in two fields. One is price and the other is quality.

We have no problem competing in quality, but we are starting to have some real difficulties in competing on price. And as we add on these costs of public services I have a real concern about our trading prospects, if we go marching merrily on without jointly sitting down and considering the matter.

HONOURABLE D.G. STEUART: Unless the Federal Government can talk about immediate financial problems, unless Mr. Benson is ready, I don't know how we can talk about money unless we talk about responsibilities.

HONOURABLE W. WEIR: If I could clear this up, Mr. Prime Minister, I am not down here to try to put my hands in the federal treasury. I think they have had their hand in ours for a long while. I am not arguing about that.

We are at a fixed position now. Let us consider our position before we have any arbitrary changes.

THE RIGHT HONOURABLE P.E. TRUDEAU: Is there some debate on this, that we should freeze all our joint spending programmes? Is that part of your ---

HONOURABLE W. WEIR: No, it is not. It is a matter that we agree before we advance.

THE RIGHT HONOURABLE P.E. TRUDEAU: Yes. We ---

HONOURABLE W. WEIR: When you say "freeze" you leave me with the impression that what you are attempting to do is not progress. And this is not my view at all.

My view is before we progress, before we make some changes, that we have some consultation and talk about it, and have some reasonable agreement.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, I think that is a reasonable proposition.

Certainly as much as two years ago when Mr. Sharp was Minister of Finance with Mr. Pearson's government, he indicated that we were not going in the direction of shared-cost programmes any more because we realized that we were determining certain provincial priorities in a way which was not acceptable to them. And it is at that Finance Ministers' Conference that Mr. Sharp indicated that we would tend to withdraw from these shared-cost programmes.

Medicare having already been discussed after a great deal of consultation with the various Provinces, I would not say that there was anything like unanimous agreement that it should be proceeded with. But this

raises a problem. Some Provinces want the shared-cost programmes and the others do not.

HONOURABLE W. WEIR: Well, Mr. Prime Minister, if you want to talk Medicare, I don't mind talking Medicare, because there is no difference, in our view, in terms of Medicare. The differences we have had are in the rules and regulations that they apply to it. And I have got some pretty firm views on that.

I thought we had a pretty reasonable plan that we presented that looked after things pretty well from our point of view; and it was turned down.

But I am not even complaining about that at this stage of the game. And it is not that I agree with it. I think it is over and it is done with, and I would be beating my head up against a stone wall to do it.

HONOURABLE J.P. ROBARTS: We do not take that position in Ontario. We still object to Medicare, and we will continue to do so. We also serve notice that we want the fiscal equivalent. We now serve formal notice now that we want the fiscal equivalent.

THE RIGHT HONOURABLE P.E. TRUDEAU: Would you suggest this principle be applied every time there is a shared-cost programme?

HONOURABLE J.P. ROBARTS: We want some ground rules, Prime Minister. We could to point out to you -- I don't propose to do it because I think it is a little picayune -- but we could show you in hard figures that your government's withdrawal from certain programmes has made things very difficult for us. For instance, in one programme alone there was a sum of \$25 million owed to Ontario by the Federal Government when all of a sudden you said, "No." So we had to adjust our budgeting to produce \$25 million dollars from our own revenues. This is our objection to shared-cost programmes.

We also object very strenuously to the use of the federal spending power to really alter the Constitution because -- and I don't lay this on your doorstep, I might say, because it was done prior to your assuming office -- but Medicare is a glowing example, a Machiavellian scheme that is in my humble opinion, one of the greatest political frauds that has been perpetrated on the people of this Country.

The position is this: you are taxing our people in Ontario to the tune of \$225 million a year, to pay for a plan for which we get nothing because it has low priority in our plans for Ontario.

That is why I say we want the fiscal equivalent. We think it is a fair and proper demand. We would simply say that if we do not choose to enter your scheme, we should be given the money you are going to raise for that purpose from the people of Ontario.

I hope all the people in Ontario are watching and listening to me on television this morning, because I am speaking to them. They are the people that are going to put up the \$225 million. And if we don't succumb to your blandishments or yield to your pressures the taxpayers of Ontario are not going to share in the money that they are going to pay.

HONOURABLE W.A.C. BENNETT: We think the Federal Government is not only for every taxpayer but every citizen in this Country. You are elected direct, not through the provincial governments. Therefore all I want to say is that you only collect in certain tax fields, but within their powers a national government to be a national government must have the right, if their parliament agrees, because they got their power direct from the people everywhere to bring the policies that they feel best for Canadians everywhere.

Now, we will argue about them and so forth, but as a premier of a Province or a citizen of Canada I don't question the Federal Government's right, any federal government's right, within their powers to tax Canadians everywhere, as long as they tax them on a uniform basis. And then if Canadians everywhere, or anywhere, don't enter these programmes, that is the free choice of the different areas.

That was true of hospital insurance, because unless some Provinces had pioneered hospital insurance in this country, and if other Provinces had the right to veto it and withdraw and get equivalents, then we would not have had this wonderful hospital insurance that we have across this nation.

HONOURABLE J.P. ROBARTS: We have a wonderful plan in Ontario that suits us and suits our people. But we are asked to scrap it. We are told to destroy it.

HONOURABLE W.A.C. BENNETT: The Federal Government has this plan and the Provinces, if we want to share with it, we should dovetail in with the federal plan.

And we found no difficulty in British Columbia with dovetailing our plan in with the federal plans on Medicare.

I think I mentioned it yesterday, the two bills that a family has that can cripple a family for years and years to come, is a big hospital bill or a big medical bill. And that is what they have not got in the United States. And that is the reason why they are jealous and envious that this northern half of this continent can do these things.

And these two great reforms -- I would like to see no retreat on hospital insurance and no retreat on Medicare. Because if any Province can withdraw, then that Province could withdraw and have nothing in its place.

HONOURABLE J.P. ROBARTS: We have everything in its place. We have our own ---

HONOURABLE W.A.C. BENNETT: I believe what we must realize is that we have a Federal Government that gets its power direct from all the people and deals with national things, and provincial governments have their power direct. But I would only argue -- and that is the only point I am trying to make, is that I think the Federal Government, because of its going into every mode of taxation, has got into these deals with Medicare that we should have got into ourselves.

HONOURABLE J.P. ROBARTS: Don't forget equalization aspects. For instance, Newfoundland gains through this plan (now my colleague Mr. Smallwood is a great friend of mine; I have many friends in Newfoundland) but there is equalization, built into this programme. If we are going to take the national average, Newfoundland makes money.

You are a high-cost Province. You don't ---

HONOURABLE W.A.C. BENNETT: We are a high-cost Province, yes.

HONOURABLE J.P. ROBARTS: Do you agree with this?

HONOURABLE W.A.C. BENNETT: I agree that the Federal Government has a right to do it.

HONOURABLE J.P. ROBARTS: They have got the right to do many things, but that doesn't mean I agree with everything they do.

HONOURABLE W.A.C. BENNETT: What I am saying, Mr. Prime Minister, is this -- that I don't agree with equalization at all of the provincial governments, because you are equalizing taxes that should not be equalized, because one Province has one expense for teachers' salaries, for instance, and another Province has a much higher one. Your equalizing provincial governments is not the type of equalization I want.

But I want equalization for Canadians; no question about that. And I want it for individual citizens rather than provincial governments. I think that is the next great reform we need -- hospital insurance, Medicare and minimum income for our people everywhere. And those areas that are low income, like Newfoundland and so forth, will get most of the benefit.

I find no fault with equalization as such, but only that we are trying to equalize the wrong things.

(TRANSLATION)

HONOURABLE J.J. BERTRAND: Mr. Chairman, I believe that if we accept the views which have just been expressed by the Premier of British Columbia we would be led directly to a unitary form of State, a National Government invested with just about every power and every responsibility of government. It might not really be what he meant to say but that is what I concluded from his remarks.

We have made our position clear on more than one occasion. With regard to taxation powers it would appear to flow from yesterday's discussions -- that is the discussions of late afternoon yesterday -- that this matter

should be looked at from two different, but complementary, points of view. We should, to begin with, arrange matters in such a way that the Provinces would have at their disposal those resources they require to face their obligations under the present Constitution. That is what we might call the immediate problem.

Constitutional discussions can only go on with any degree of efficiency if our present system works reasonably well and if there exists a climate of mutual confidence.

On the other hand we should also look at the fiscal problem in a long time perspective. As you have noted yourself it should be looked at within the general framework of a new allocation of responsibilities and fiscal powers, what has been called a "new division of powers".

With regard to the immediate problem, last November and December the Federal Government consented, as indeed it had already agreed to, to re-examine with us the matter of fiscal arrangements. I was present at last November's Conference and my colleague, the Minister of Finance, the Honourable Mr. Dozois, was present at the December meeting. Unfortunately it must be said that no change in favor of the Provinces came from all this, in spite of the technical groundwork which had already confirmed the predictions of the Tax Structure Committee, i.e. that the income of the Federal Government is increasing more rapidly than its expenses while, at the same time, the irreducible expenses of the Provincial Governments are rising much more rapidly than their tax revenue. In fact I could quote in this connection a very large number of examples. I have particular reference to the area of education. Barely a year and a half ago, in our 1966 budget, we had earmarked approximately one half billion dollars for education. Last year the corresponding figure in our provincial budget was seven hundred and fifty million dollars. But there is more than that. Not only do the present arrangements indicate no improvement but they are not even respected. The Federal Government had undertaken to contribute toward capital expenses in respect of vocational and technical schools to a maximum amount of 374 million dollars in the Province of Quebec, with no cut-off date. It now seeks to impose, unilaterally, an arbitrary maximum figure of 34 million dollars for the next fiscal year even if Quebec is still

entitled to approximately 150 million dollars in federal grants under these agreements.

This amount of 34 million dollars is clearly inadequate and will not make it possible for us to continue with the construction already undertaken. We are faced with the possibility of not being able to continue our programme at a time when it becomes increasingly urgent in order to meet the increase in our population and to reduce unemployment.

I might add, finally, that this restriction is unfair to those Provinces who were unable to benefit from federal contributions at the original stages of the programme, thus making it impossible for them to make up lost ground.

Above and beyond all this, the Federal Government would like to see us move immediately into a universal and public medical insurance programme. I need not point out that, for the moment, we have not the means to do so even though we would very much like to.

As we stated last November we have the intention of setting up a Quebec medicare programme but we will do so when we wish to, that is when we are able to.

This, the fact is generally admitted, is a matter of exclusive provincial jurisdiction. It is up to the Government of Quebec alone to decide what steps it may wish to take in this direction. To finance this intrusion in what is clearly a provincial responsibility the Federal Government -- without consulting us, of course --, has brought down a new so-called "Social Development Tax" which will make it increasingly difficult for the Provinces to make use of the personal income tax field. In effect this will void, so to speak, the income tax reduction which had, in all fairness, been extended to our poor taxpayers.

Mr. Chairman, the Prime Minister of Ontario, Mr. Robarts, indicated what the citizens of his Province would be called upon to pay in this connection. In Quebec the figure will be approximately 120 million dollars. That is why I fail to understand why the Federal Government persists in wanting to levy these new taxes while the Provinces, in the exercise of their constitutional powers, have decided not to take advantage of the Federal medicare

legislation. How is it that it is not understood that in the present political situation in Canada and in Quebec, methods such as these undermine the confidence that one would wish to place in a federal system?

I must, therefore, repeat to the Federal Government the warning which we have given already. This lack of responsibility with regard both to tax sharing and to federal interference in matters of provincial jurisdiction -- more particularly in the field of health -- leads directly, we feel, to the breakdown of the Federal system. Far too often does Ottawa have the money and Provinces both the powers and the responsibilities.

The question to be answered is, therefore, as follows: Are the rights and responsibilities to be given to that authority which has the money or should we give the money to that authority which has the rights, powers and responsibilities?

As far as Quebec is concerned this has been repeated over the years. We need only, in this connection, read the statements made by the Prime Ministers of Quebec over the last twenty-one years. I have been in politics since that time and I know that at each and every Federal-Provincial conference Quebec has always stated its view that the money, the income should follow the rights, powers and responsibilities and not the reverse.

Mr. Chairman, that is my point of view. I know that point has been made over and over again. I did feel, however, that, this morning, Quebec had to raise it again on the occasion of this discussion of the immediate problem raised by our colleague from the West, the Premier of Manitoba.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Bertrand. I feel that

(ENGLISH)

HONOURABLE J.R. SMALLWOOD: Prime Minister, may I ask you a question? What are we at this stage supposed to be? What is it we have agreed we will discuss? Is it this: what powers shall the Parliament of Canada have that it may pass on to the Government of Canada with regard to

imposing taxes on Canadians? Is that it? Or is it: what authority shall the Government of Canada be given by the Parliament of Canada under Canada's Constitution to spend money?

Is it to collect money or is it to spend money that we are now discussing?

THE RIGHT HONOURABLE P.E. TRUDEAU: Premier Smallwood, I believe the argument covers both.

HONOURABLE J.R. SMALLWOOD: All right.

THE RIGHT HONOURABLE P.E. TRUDEAU: It is the taxation and the spending power.

HONOURABLE J.R. SMALLWOOD: Okay.

THE RIGHT HONOURABLE P.E. TRUDEAU: It would be useful if we could discuss one at a time.

HONOURABLE J.R. SMALLWOOD: The question, it seems to me, boils down really to this: what is Canada for? What is the Parliament of Canada for? What is the Government of Canada for? Is it to be a Parliament passing laws to impose enough taxes upon the Canadian people to give the Government of Canada the means to take on responsibilities for the armed forces, the post and telegraphs, railways, airways, fisheries, agriculture, harbours, aids to navigation, banking, foreign affairs, foreign trade; the obvious concerns of every national government in the world because no other government of any country can be given those responsibilities but that of the nation as a whole.

Is that to be the purpose of the Parliament of Canada or of the Government of Canada? Normal, conventional, traditional responsibilities and duties of a national government under any form of government in any country, large or small; whether it be half a continent as here, the northern half of the North American Continent, stretching 4,000 miles from the Atlantic to the Pacific and made up of ten Provinces, or a country like Mexico or Nicaragua or any country you like.

Is it to be the case? Are we reconciled and resigned to the case that the Canadian Government is just going to be charged with these normal functional and traditional responsibilities or -- is the Parliament of Canada to be

charged under the Constitution with a far greater responsibility than that; namely, the responsibility of guiding and moulding and helping to shape (not exclusively now) because there are Provinces and they do have their own legislatures and they do have their own governments responsible to those legislatures, and they do have their own constitutional responsibilities and powers so the federal one cannot in everything be exclusive and monopolistic. But surely - surely the reason for Canada, the reason for Confederation, the reason why we are not ten Balkan states, the reason why there is a Canada and a Parliament of Canada is this: that the Parliament of Canada or the Government responsible to the Parliament shall be charged with this supreme job of general superintendence of Canada as Canada and responsible for the growth and development and greatness of Canada, and therefore, of course, the happiness, harmony and unity of Canada.

If that is the purpose of the Parliament of Canada then surely we are not going to change the Constitution of Canada to take away from Canada ...

The Parliament of Canada took away that mission, that purpose, and the means to do it.

Let me give you a practical example. Newfoundland -- I apologize for using Newfoundland as an example, but I use it because I know it better than the other nine Provinces -- Newfoundland has a thousand little towns and settlements (you would call them villages) with a population of eight, ten, twelve families, up to fifty or eighty families. And when it gets up to a hundred families it begins to be a sizeable place in our eyes.

We have a thousand of them, and they stretch along six thousand miles of coastline.

Prime Minister, you flew over them. If you looked down you saw them spread out eight, ten, fifteen miles along the coast.

Would the Government of Newfoundland be justified in saying to each one of the thousand "You shall have what you yourselves are able to produce and no more. You shall have the roads, the schools, the health services, public finances, public services, standard of living, your families, your children shall have the opportunities of those only what you yourselves can produce, each of you in your own settlement."

Now, we would be a shame to Canada. We would be a shame to the world. We cannot do it. What we do is this -- obviously we have to do it. Corner Brook, a great paper mills town; Grand Falls, a great paper mill town; Labrador City, the city of Wabash, great mining towns and a few others -- not many -- but a few other towns are producing whatever wealth of real size we get in Newfoundland. It is produced primarily in a handful of places.

There is a great -- what is the word, absence of equilibrium -- disparity. This is the word I was trying to get you to say Prime Minister, this is your word. This is your word. You have made this word a household word in at least five of Canada's ten Provinces.

There is this disparity within Newfoundland between these thousands of places. In New Brunswick Premier Robichaud waged a great battle on this same issue. He said each individual little township, or whatever they call them in New Brunswick, (we call them settlements) each one shall not be dependant on what revenue, what wealth it is by itself alone able to produce. It and its children should not be forced to depend, for the kind of opportunities and kind of education they shall have on the accidental and oftentimes trifling amount of wealth that each little settlement produces. You made it the concern of all New Brunswick. You make it the concern of the legislature and government of New Brunswick. We have to do the same.

I suggest to you, Prime Minister, you have to do the same. The Parliament of Canada and the Government of Canada have to adopt precisely that same principle, and that there is no other reason for Canada. There is no excuse for Canada to exist.

I take it you are not to be presiding gracefully as Chairman of a sort of board of hard-faced directors called the Government of Canada, unconcerned, not caring about the disparities, but concerned only with railways and canals, airlines and foreign trade and foreign representation and defence and these normally conventional things. That is not what you are here -- excuse me, I don't mean you personally -- the Parliament of Canada, that is not what they are for. That is not what Canada is all about.

Now, you have recognized that this principle, you, your predecessors, Liberal, Tory, you have all recognized it because under both administrations you have brought in such

things as the Industrial Development Bank to lend money for enterprises that the conventional banks will not look at. You have brought in the transmission line loans, power lines for the Atlantic Provinces only; not for the rest of Canada. That applies only to the Atlantic Provinces.

You have brought in other schemes for the Western Provinces. The Prairie farmers have the Rehabilitation Act. You have brought in various other bits and pieces of legislation down through the years as a recognition of federal responsibility for help and assistance in developing underdeveloped parts of the whole.

Then more laterly the Atlantic Development Board, and ARDA, and ADA -- the Area Development Agency and FRED. These are, all of them, I take it, recognition on Canada's part of a federal responsibility, a parliamentary responsibility, a Federal Government responsibility, attempting, not by dragging down but by lifting up, attempting to bring about more equilibrium, more in the nature of equality to the ten Provinces.

Otherwise, surely the thing is to wash Newfoundland down the drain, and Nova Scotia, and Prince Edward Island, and New Brunswick and maybe Manitoba, and moving over into Quebec, maybe Quebec should be washed down the drain because Quebec is in the same position -- Premier Bertrand, you are in exactly the same position as Newfoundland is in. You cannot any more -- well, a little more than Newfoundland but not much more -- you can't maintain a standard of personal and family living and all public services in Quebec without helping hand from Ottawa in the hundreds of millions a year.

(TRANSLATION)

HONOURABLE J.J. BERTRAND: But if I may, Mr. Smallwood, should I conclude from your remarks with regard to the role of the Federal Government, that since we need money, the area of education should come under the Government at Ottawa? Because we have needs in the field of health, does this mean that health should come under the Government of Canada.

And should welfare come under the Federal Government because it is expensive, is that what you mean?

HONOURABLE J.R. SMALLWOOD: No I do not.

HONOURABLE J.J. BERTRAND: Would you permit me to add this?

We have never discussed this role which we feel is important, that is the part played by equalization payments designed to assist those Provinces whose needs are the greatest. We have never denied that. On the contrary. I will also say that Quebec has received equalization grants as well. I know that there are other Provinces in Canada which received them. Mr. Robarts stated that he was happy to make this contribution to the whole of Canada out of the prosperity of his own Province and Mr. Bennett from British Columbia has said as much. But, with regard to the basic point at issue it cannot be claimed that the Federal Government should deal with education, health or welfare because of the existence of needs such as those you have pointed out.

(ENGLISH)

HONOURABLE J.R. SMALLWOOD: I absolutely agree 100 per cent, or 101. I agree. And there is always, admittedly, the danger of the man who pays the piper insisting on calling the tune. If Ottawa ladles out large sums to this or that Province they will be tempted in laying down conditions. And obviously they have the right to lay down conditions. But in laying them down, they would be too overbearing. They would try to muscle in -- this is human nature; this is the nature of governments. No government likes to lash out money unconditionally and let the recipient spend it as he likes. And therefore they are trapped into the danger of wishing to exercise more authority in a field that does not belong to them than they ought to exercise. And in this, I am in complete agreement, but it is not that they, because that danger exists, therefore ought not to pass the money over to enable the Provinces to discharge their responsibilities. Or if so to hand money over, then going along with Premier Bennett's changed Constitution to give the Provinces the right to do their own taxing.

Now, I will come to that. Right to do their own taxing? Thank you very much, Prime Minister, we don't want it. It is useless to us. You give us what power you have now in your Parliament and in your government. Give us that power, the legislature of Newfoundland, and the Government of Newfoundland, and in fact we do not want it. It is useless to us because what you collect federally in Newfoundland and that the Newfoundland government collects provincially in Newfoundland, the two together are just not enough, you see.

Put it together and it falls far short of meeting our needs. Let me give you an example: Last year in the Province of Ontario the average per capita income of the people of Ontario -- now follow this -- was \$2,624 a head, per capita, a head. Everybody in Ontario, \$2,624. Newfoundland, \$1,424. So the average Newfoundlander had in 1967, 55 per cent of what the average citizen in Ontario had. Just a little over half.

Now, that is income. You are going to tax that income. You are not going to get as much money out of Newfoundland, or out of any part of Canada where the people's average income is \$1,424 as you will from a Province whose income averages \$2,600.

For all Canada it was \$2,300. Ontario was twenty-six. All of Canada was twenty-three. Now, that is taxable capacity.

Now, look at the tax. If Newfoundland ... or if Ontario were to impose the same rates of taxes on her people, Premier Robarts, if you were to call your House together ---

HONOURABLE J.P. ROBARTS: I am listening.

HONOURABLE J.R. SMALLWOOD: You are listening?

If you were to call your House together and to get that House to pass a law to impose on Ontario the same rates of taxes that we have done in Newfoundland, the taxes that are now in effect, here is what would happen: our sales tax is 7 per cent, yours is 5 per cent. If you put yours at 7 per cent on the same things that our 7 per cent tax is on, if you were to do the same thing, the same rate on the same things, it would give you \$221 million more revenue than you are going to get. By putting the same rate of taxes on Ontario that we have put on the people of Newfoundland, that one tax alone would give you a yield in one year of \$221 million. I am not suggesting that you do it, but we have got ---

HONOURABLE J.P. ROBARTS: Thank you very much.
Louder!

HONOURABLE J.R. SMALLWOOD: I say only that if we

HONOURABLE J.P. ROBARTS: Look at all the tax fields.

HONOURABLE J.R. SMALLWOOD: That is one. I can give you another one. If you put on the same tax on gasoline that we have done in Newfoundland and the same diesel fuel tax that we have put on, this would give you another \$130 millions a year. And we are collecting it.

If you put on the same tobacco tax that we have in fact put on, this would give you another \$36 millions a year.

Finally, if you were to tax alcoholic beverages at the same rate that we have done, this would give you another \$152 millions a year, or a total of over \$500 millions a year, by putting on the people of Ontario, whose average income is \$2,600, the same rates of tax that we have put on our people, whose average income is just a little more than half ---

HONOURABLE J.P. ROBARTS: What percentage of the income in Newfoundland is from equalization payments?

HONOURABLE J.R. SMALLWOOD: I am talking about the income of the people.

HONOURABLE J.P. ROBARTS: No, I am talking about equalization payments.

HONOURABLE J.R. SMALLWOOD: Well, I will talk about that, too, but at the moment ---

HONOURABLE J.P. ROBARTS: Let us examine both sides of the coin.

HONOURABLE J.R. SMALLWOOD: At the moment I am talking about ---

HONOURABLE J.P. ROBARTS: The people of Ontario might be interested in that as well.

HONOURABLE J.R. SMALLWOOD: At the moment I am talking about the suggestion that I had read or heard somewhere that has been made that if the Provinces, the government of the Provinces, want more money or need more money, let them go after it by taxing their own people.

I tell you that we are now taxed in Newfoundland perhaps higher than any other people in Canada -- any other people by any provincial government, you see. I have given you these rates.

HONOURABLE J.P. ROBARTS: What percentage of your total revenue comes from equalization payments?

HONOURABLE J.R. SMALLWOOD: I am talking about the revenue of the people of Newfoundland.

HONOURABLE J.P. ROBARTS: I ask a very simple question.

HONOURABLE J.R. SMALLWOOD: Wait a minute.

HONOURABLE J.P. ROBARTS: I don't have the answer, otherwise I would put it in the forum. I am just asking.

HONOURABLE J.R. SMALLWOOD: All right. But I will not be diverted.

HONOURABLE J.P. ROBARTS: You won't give the answer?

HONOURABLE J.R. SMALLWOOD: I am addressing myself to the Prime Minister's suggestion that we discuss the taxing powers of the Federal Parliament, the taxing powers of the Parliament of Canada. What shall they be? What shall the Constitution put them at? What taxing authority shall Canada's Parliament have?

I am saying to you, to this Conference and to Canada, that the Parliament of Canada must have authority in its Constitution to impose taxes that will provide for the equalization you mention, and especially in Provinces where the people's own income, the provincial gross product, is low. Right?

I am not suggesting that Nova Scotia is that low, but they are on average a lot below Ontario and British Columbia and Alberta.

I am not suggesting that New Brunswick is as low as we are. I believe we are the lowest in Canada, although on that I would be unfair if I were not to say that, whereas last year the average income of the Newfoundland people was 55 per cent of the average in Ontario, in 1957 it was only 46 per cent. We have come in nine years in Newfoundland from a point where the average Newfoundlander had an income only 46 percent of what the average person had in Ontario. We are up now. It is fifty-five. So we are progressing. In nine years the average income of our people has come up in relation to Ontario, which is the top in Canada.

We have improved; but we are still only 55 per cent. Don't tell us to go taxing our people more. There ain't any.

Now, what about the other recourse we might have? We might borrow. But we have borrowed. And with money as expensive as it is, horribly expensive -- seven, eight per cent, nine per cent -- with money that expensive and becoming almost impossible... Even rich Ontario has to go to Germany and borrow. Even the Government of Canada ---

HONOURABLE J.P. ROBARTS: It is advantageous.

HONOURABLE J.R. SMALLWOOD: That is why you had to go. That is the reason we have to go, too, and the Government of Canada had to go. You know where it is advantageous, so you must go there, because that is where it is advantageous.

So borrowing is no answer.

HONOURABLE J.P. ROBARTS: You are trying to make a sin out of it. We thought it was a pretty good deal.

HONOURABLE J.R. SMALLWOOD: I have sinned, too. We have gone, too. Mea culpa. I am not making you out a sinner. I am saying borrowing is not the way to raise the standard of living in Newfoundland. Taxing the people more is out of the question.

So we turn to Ottawa. Why shouldn't we? What is Ottawa for? I ask the question seriously: what is Ottawa for? What is this federal system for? What is Canada? Why is it a federal system? Why?

If it is not so that the power given in the Constitution, the power of the Parliament of Canada shall be undoubted and beyond argument and ample -- "ample," remember -- to impose the taxes by any manner or mode, or system -- it says by any manner or system -- don't change that. Listen politely but with both ears closed. Don't listen for one minute to the idea of stripping the Parliament of Canada -- the only thing there is that can make Canada great -- stripping them of the very means of doing it. You cannot change your Constitution so as to limit you in the amount of revenue you can raise across Canada. And then, having raised it, use it. Use it not just for the normal conventional things, but to help the five Provinces, Prime Minister. Five of us: Quebec (I am so proud to be in Quebec's company; I am so happy that she is

one of us) -- Quebec, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland; five of the ten. Help us. Help us to help ourselves.

And there are so many ways of doing it. But it all costs cash. So don't cut yourself off from the chance to get the cash.

THE RIGHT HONOURABLE P.E. TRUDEAU: Premier Smallwood, you have dealt with another item which was up for debate this morning. And I think you have shown that the problem of taxation and spending powers was also linked to the problem of regional disparities, which was also on the agenda this morning. And that is why I did not think it was in order to call you to order.

You have shown that there is a definite link between the two. And I think in view of that precedent we should all be encouraged to link these two items of the agenda.

(TRANSLATION)

May I simply put a few questions to the Conference? At the outset I should indicate that the principle stated by Prime Minister Bertrand, i.e. that Provinces should have sufficient resources, is a reasonable and simple principle to which we subscribe. The question to be answered, is however, the following. How can we organize matters in such a way that Provinces do enjoy those resources in sufficient quantity. In this respect Premier Smallwood has shown that six Provinces are poorer than the others and benefit from equalization grants. Equalization grants have allowed the Province of Quebec, last year, to receive 155 million dollars. This year, the figure will be 285 million dollars and the projected figure for next year is 310 million dollars. Obviously to make these equalization payments to Quebec, New Brunswick, Newfoundland, Manitoba, the Federal Government must have both taxation and spending powers.

The question which Confederation must answer is therefore to what extent must these powers be limited? The equalization principle cannot be compromised, clearly, since its need is recognized.

But since the spending power and the corresponding power of taxation have also made it possible for the Federal Government to assist the Provinces and more particularly the Province of Quebec, through ARDA programmes, for example, under which the Federal Government has paid 212 million dollars in the lower St. Lawrence area,

under the terms of an agreement, I should imagine that the Province does share the Federal Government's view with regard to this use of taxation and spending powers.

The Province of Quebec having also benefited from the Trans-Canada Highway programme and accepted capital grants in this connection from the Federal Government, it should also recognize this spending power.

The same holds true with regard to hospital grants.

The Prime Minister complained that with regard to grants made in respect of vocational and technical schools the Federal Government intended to reduce its spending. He has indicated that he would like to see us re-establish our grants.

There is therefore an admission on his part that we do enjoy a spending power in regard to that matter.

There have been complaints about Medicare. We should however remind ourselves that Medicare was negotiated with the Provinces and, notably with the Province of Quebec through its government. That government negotiated the modalities which we have applied to Canada. A number of the main elements in that programme were incorporated into Federal legislation at the request of the Province of Quebec. The legislation being what it is, it is rather difficult to change it simply because there has been a change in a provincial government.

However, we should not reopen old quarrels. The point at issue is what we can do in the future.

Why should the Federal Government be allowed to make equalization payments, which suits the Province of Quebec very well, why should it be allowed to spend under ARDA programmes, which also suits Quebec very well, why should it be allowed to provide 150 million dollars in respect of Expo 67, which suited both the Province and the city of Montreal very well, whereas at the same time we should not be allowed to put money into a Medicare programme, a programme which one of the two parties in Quebec, at least, finds excellent? I might agree that we could limit spending powers. But what we really are concerned with is how to go about it, how to reach an agreement in this regard.

The purpose of this Constitutional Conference is to define the rules which should be applied to the spending powers. One cannot claim that the power exists but that it can only be applied when it works in a way which suits him. Because Medicare does not appear to suit the Prime Minister of the Province of Quebec, but it does suit the Premier of British Columbia and the Premier of Saskatchewan...

We should therefore look for standards applicable to the whole country.

(ENGLISH)

...And that is what we are essentially trying to do; find the rules to the spending power and the taxing power which will come with agreement between the Provinces.

We do not want to raise taxes if it is for something which is not accepted by any of the Provinces but we must, as Premier Smallwood said, and as Premier Bennett said, we must think of the total welfare of Canada. We must think of our duty of correcting the regional inequalities or disparities, and I want to know in what areas we can use them.

Here again, we are prepared to listen to any discussion to lay the ground rules of this use. Why should we use it in ARDA schemes or rural development schemes and not in Medicare, or why should we use it in Medicare and not Trans-Canada Highway, or why should we use it in Trans-Canada Highway and not in hospitalization?

We have to know the rules. We are trying to govern for the greater welfare of the people of Canada. We are trying to make laws of equalization grants of different kinds which will permit all of the Canadian people to participate in a certain standard of living but I do not want to repeat what was excellently said by Premier Smallwood. We want the answers. We want you to give us the rules.

We are here to serve the people. You represent the people of your Province. We thought at this discussion or at continuing discussions we will lay down the rules. We don't know them. If we want to put spending powers in the Constitution and I repeat it is not even written in there, but we do need them; if we want to make all Canadians think that living in Canada is a beneficial thing; what are these rules?

We hope they will be spelled out.

(TRANSLATION)

HONOURABLE J.J. BERTRAND: Mr. Chairman, may I say, at the outset, that in a federal system there are powers and rights belonging to the Provinces. But it does seem to me that it should be agreed that the Provinces should have the fiscal powers required to meet their obligations.

You have made reference to joint programmes. You know full well that no shared-cost programmes have been agreed to over several years. The preceding government, indeed, had withdrawn from such programmes. At that time some taxation points were granted to the Government of the Province of Quebec. All this came about as a result of negotiations between the Quebec Government, the preceding government that is, the Lesage government, and the government in Ottawa.

As far as Medicare is concerned this is a matter which, or so it appears to me, has generally been recognized as belonging to the Provinces under the present Constitution.

HONOURABLE P.E. TRUDEAU: It was negotiated with the Provinces.

HONOURABLE J.J. BERTRAND: That, as far as my information is concerned - and my information, I think, is correct, the actual modalities of it were not negotiated. In any event we do not accept the principle. The matter was discussed at an interprovincial conference held at Waskesiu in Saskatchewan by provincial Prime Ministers. We do not accept the proposition according to which Federal legislation is required for the application of so-called "national" standards.

I know that sometimes we raise our voices a little. Of course there is nothing personal in this. I have the highest regard for our Chairman. But I do think it should be said, with all due respect, that standards should be established within the limit of our respective provincial jurisdiction, by an agreement between Provinces.

Look at education, for instance. At the present time there is an interprovincial conference of Ministers of Education. At Waskesiu, in regard to a very large number of areas of interest, we have all accepted the principle according to which we were ready to meet our own responsibilities and to exercise our own powers. It was there, I feel, that we did achieve a consensus on what

we felt is properly federal. In such a system Ottawa would exercise its powers, the Provinces exercising their powers also. We accept the power which Ottawa has of providing assistance. But this power - this equalization power - will be accepted by us only as an exception to a general rule, an exception which will be legitimate until such time as exceptional circumstances, such as exist in Canada at the present time, have not disappeared. In other words we will accept this power until such time as we do achieve what has been called equality of opportunity, for as long as regional disparities are still with us.

(ENGLISH)

HONOURABLE J.P. ROBARTS: Prime Minister, I would like to get back to Ontario's approach to this problem. I think that we can relate it very definitely to the question of constitutional change and constitutional responsibility. It is our feeling that the Federal Government has used its spending powers to alter the Constitution without constitutional amendments. Inasmuch as we are discussing Medicare, I think that is as good an example of what I am talking about as any example one can find. Fiscal leverage is being used to force upon the Provinces a programme that they really do not want, at least the Province which I represent and for which I speak.

Mr. Smallwood, we have no quarrel whatsoever if the Federal Government chooses to subsidize whatever it chooses to subsidize in your Province, or in the Atlantic Provinces or in any other Province. We in Ontario have never at any time quarrelled with the principle of equalization. We have accepted it. In fact, we practise it within our own Province. We have as many disparities within the boundaries of the Province of Ontario as the Government of Canada has within the boundaries of Canada: so I think that this question need not be belaboured.

What we object to is the spending power of the Federal Government being used to abort - a term used yesterday by you, Mr. Weir - to abort the Constitution, or to force us to take certain steps not in constitutional fields that are entirely ours. That is why we say what we say- I do not know why this seems so difficult to understand. If the Government of Canada has chosen, wisely or unwisely, to place itself in a legislative straitjacket by passing a bill in the House of Commons that it cannot deal with except by changing it in the House of Commons, why does it not give the Provinces the opportunity to simply

say "We don't choose to accept, and we will take the fiscal equivalent and go about our own business and establish our own priorities in our own fields of constitutional responsibility"?

THE RIGHT HONOURABLE P.E. TRUDEAU: What about the ARDA schemes?

HONOURABLE J.P. ROBARTS: ARDA schemes; please don't get me into those. This is a \$25 million programme which is simply not being carried out according to the agreement. I will leave this to my provincial treasurer because he has the facts and figures.

THE RIGHT HONOURABLE P.E. TRUDEAU: I will have a minister answer him.

HONOURABLE J.P. ROBARTS: All right. I think the point really being made is that the backing and filling and changing of position regarding certain schemes, this simply indicates this is not really the right way to do business.

I do not care who is right and who is wrong. I did not come to this Conference to debate picayune matters although I would hate to be put in a position where \$25 million was called "picayune."

Suffice it to say that because of certain shifts in policy of the Federal Government our budgeting has had to make some very abrupt shifts. We have had to meet commitments from our own resources although our original commitments were made on the basis that certain amounts were to be provided by the Federal Government.

The point I would really like to make is that in arriving at this topic, of the Distribution of Powers we really have reached the nub of our constitutional discussions. The Distribution of Powers is crucial in determining the character of the federation. This is really the great problem that we face. It has been coming upon us gradually over a period of time.

Are the Provinces to be simply administrative units? Are we just to function as administrators with all the decisions made by the central government? Or are we to have a federal system in which political authority and political decision are to be left, at least to some degree, to the Provinces in order that they may define policy in the areas given to them by the Constitution?

Surely this is the point; is the Federal Government to be allowed to use its fiscal leverage to alter the Constitution without amending it? This in effect is what you are doing. The Federal Government is using its fiscal powers to force the Provinces into programmes they do not want to enter, in areas within provincial jurisdiction.

Prime Minister, I think in your studies and writings (I won't quote them), you recognized this problem years ago, before you became as active in politics as you are today. This really is the nub of it. Is Ontario to be forced? You see the position I am in and as the leader of a government, when a 2 per cent tax, which amounts federally to nine percentage points of personal income tax, is imposed on the people of Ontario to finance a plan that we do not want.

HONOURABLE E.J. BENSON: That plan and other things.

THE RIGHT HONOURABLE P.E. TRUDEAU: It is supposed to finance some of our budget.

HONOURABLE E.J. BENSON: Balance the budget. There are \$310 million ---

HONOURABLE J.P. ROBARTS: Let me put it this way. If I don't take our Province into it, the people of Ontario will pay it and not share in it.

HONOURABLE E.J. BENSON: They won't have the advantage they should have.

HONOURABLE J.P. ROBARTS: This is what I call fiscal leverage to alter the Constitution without any constitutional amendments, because you are forcing a plan on Ontario that, frankly, Ontario does not want.

We are asking here, and I hope we will have a formal reply to our formal request, that we be given the revenues from that tax so that we may spend it according to our priorities and not according to the Federal Government's priorities in the Province of Ontario.

We are asking for this formally. You may accept or reject our position. But I hope you will do in as formal a manner as I am presenting the request.

Now, this really is the key to the whole problem we are discussing on this particular item of the agenda.

Is the spending power of the Federal Government going to be used for constitutional purposes? Are we going to arrive at a situation in this Country where we are going to be able to function within the powers that are ours according to the present Constitution? This is what we want to know.

Let me give you another example. It has been brought to my attention just recently that your Department of Health and Welfare recently decided that it is going to pay half the cost of care for juvenile delinquents. However, it will only pay it through one department of the provincial government. To take advantage of this offer, which we don't really want very much in any event, we will have to shift a whole administrative body from one department to another in our government to meet your requirements before we qualify for the grant.

Now, this is what I mean by the use of fiscal leverage to influence the conduct and the responsibilities of a provincial government.

HONOURABLE W.A.C. BENNETT: May I interrupt?

HONOURABLE J.P. ROBARTS: Yes.

HONOURABLE W.A.C. BENNETT: You mentioned nine percentage points. What would nine percentage points amount to in Ontario at the present time?

HONOURABLE J.P. ROBARTS: In personal income tax?

HONOURABLE W.A.C. BENNETT: Yes.

HONOURABLE J.P. ROBARTS: I would think about \$225 million.

HONOURABLE W.A.C. BENNETT: On your present plan of Medicare, what does it cost the provincial government?

HONOURABLE J.P. ROBARTS: Well, once again I have an answer for Mr. Smallwood. You see, we have ---

HONOURABLE W.A.C. BENNETT: What on your present budget at the present time?

HONOURABLE J.P. ROBARTS: About \$75 million.

HONOURABLE W.A.C. BENNETT: So you are asking for

\$150 million more than your cost?

HONOURABLE J.P. ROBARTS: No, no, no, we are not, because, unlike some other Provinces, we have a system whereby our people pay premiums. You see, in that sense it's not a tax. Our people pay premiums for hospitalization and for our medicare plan just as they would if they bought it from a private carrier. You oversimplify. I don't know whether your people pay. Do your people in Newfoundland pay premiums for hospitalization?

HONOURABLE J.R. SMALLWOOD: No, there is no premium as yet.

HONOURABLE J.P. ROBARTS: Well, ours do, so it's not just as free for our people as you say it is.

HONOURABLE J.R. SMALLWOOD: Premier, I didn't say anything was free.

May I answer your question on equalization, and say to you that when the Parliament of Canada imposes a tax across Canada they do it at rates that do not vary from Province to Province. All the taxes your people are paying and your corporations are paying, our people and our corporations are paying at the same rate. But there are not enough of them to do it, and they don't pay it on enough money because they don't have enough money, but we are paying the same rates as you are.

HONOURABLE J.P. ROBARTS: That is fair enough.

HONOURABLE J.R. SMALLWOOD: There is no money being taken off your people and handed over to us. It is handed to the Government of Canada who collect it from all the people and what they do with it is another matter. They are not scooping it off you to give it to us.

HONOURABLE J.P. ROBARTS: Please don't put it that way. You know around this table that Ontario has for many years supported the whole principle of equalization. That really is not in debate here today.

HONOURABLE J.R. SMALLWOOD: May I say that you and your predecessors have always been very, very kind friends of Newfoundland in every Conference and behind the scenes.

HONOURABLE J.P. ROBARTS: We are not kind friends. We are equals.

HONOURABLE J.R. SMALLWOOD: You have been good friends.

HONOURABLE J.P. ROBARTS: We love to be friends. I went and fished in one of your best rivers ---

HONOURABLE J.R. SMALLWOOD: Come again.

HONOURABLE J.P. ROBARTS: As your guest last summer ---

HONOURABLE J.R. SMALLWOOD: Come again.

HONOURABLE J.P. ROBARTS: And I enjoyed the salmon very much.

HONOURABLE J.R. SMALLWOOD: Come and try our tuna.

HONOURABLE J.P. ROBARTS: I treated my 12-year-old to his first Atlantic salmon.

HONOURABLE J.R. SMALLWOOD: Come and try our tuna.

HONOURABLE J.P. ROBARTS: I am going to do that with Mr. Smith.

HONOURABLE J.R. SMALLWOOD: We will have to send some up to Nova Scotia.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, gentlemen ---

HONOURABLE J.P. ROBARTS: I have not really finished my remarks. As a matter of fact, I have just nicely started.

We support the idea of a strong central government. But we do fight the way it exercise certain powers. We fight certain uses of spending prerogative. We just simply think much of this could be avoided if we had a little more participatory federalism, as we discussed yesterday.

We do not think the Federal Government should ignore the problems of the Provinces the very serious problems that we have when we think of things such as housing. However, we have to have some co-operation on how we handle these programmes. I want to make it clear that the Province of Ontario is not looking for any handouts. Let me make this as clear as can be.

We want some elbow room in order to be able to do

our own taxing. We have no worry or fear of accepting the responsibility of imposing taxes in our own Province. We are not asking the Federal Government to raise any money to hand to us. We will impose our own taxes.

Of course some aspects of the development of a tax system for Ontario, which would be complete in itself, would worry us when we think in terms of Canada as a whole.

We wonder whether we have all really examined every possibility, whether we are aware of all the effects of each Province establishing its own taxing system, its own money-raising system, its own fiscal controls. What does this do to the central powers of Canada? If we work this through thoroughly, do we know what the ultimate effect will be? I think in Ontario we have the feeling that this has been treated in a rather light and cavalier manner without a true examination of what it might lead to in terms of its ultimate effect on Canada.

However, that is something which no doubt will be dealt with as time goes on. We also realize that all kinds of regional preferences and differences, as explained by Mr. Smallwood and by the Atlantic Provinces, must be considered and dealt with by the Federal Government. We do not choose or wish in any way to usurp the powers of the Federal Government in this regard. Otherwise we shall not have the Canada we want.

I have sat at this table many times before. It used to be a big green one without the open space in the centre and I recall in those days saying that it must have meaning to be a Canadian whether you live in Corner Brook on the West Coast or the Atlantic Coast. There must be some common meaning if you are to be a Canadian. This is the function of the Federal Government. In this way I completely agree with you, Mr. Smallwood.

We do say that we must have a clearer delineation of responsibilities. In addition, we must have delineation of responsibilities and we must have a solid, meaningful backing-up of responsibilities by revenue sources. We must have an end to programmes affecting the Provinces that we must read about in the newspapers. We don't hear about them through consultation. We don't hear about them through: 'Come here and we will say what we are going to do and how it will affect you; we will change it this way and that way.' We read it in the Toronto morning newspaper, the Globe and Mail. Now I don't know what the name of the

newspaper is in Quebec or Montreal or Vancouver or Regina or Winnipeg, but where we read about these things is in the morning newspaper. We don't find out about them through some form of consultation where we might be consulted as to what effect they would have on our programmes and what we are planning.

I see Mr. Pearson sitting here today as an observer and I remember the great words "co-operative federalism." That was a good concept but we never really got it going. Maybe we should go back to co-operative federalism and forget participatory federalism or functional federalism.

HONOURABLE J.R. SMALLWOOD: Or both.

HONOURABLE J.P. ROBARTS: Or all three, really. The main problem has been some form of fair and equitable distribution of powers. I realize the political facts of life; I am a politician. I know it is very difficult for a government to have a surplus without seeking some way of spending it in order to satisfy, hopefully, some particular group of voters. The way you are working as our deficit goes up the surplus will go up.

I am thinking about the structure Committee. Is Mr. Sharp here today? He chose not to recognize the result of that Committee's work.

I would think, as far as we are concerned, Prime Minister, that with the way your expenditures are being cut down and with your pre-emption of the tax field, in two years you will be ready to launch another plan of some kind. I think you will be in a surplus position. Our forecast indicates you will.

HONOURABLE E.J. BENSON: Will we cut the tax?

HONOURABLE J.P. ROBARTS: Why don't you give us tax space in the meantime? You say we are really not raising it very much but the two per cent social development tax or whatever it was called, did amount in fact to nine percentage points of personal income tax. On the one hand you said to us "Raise your own taxes". And on the other hand you just pre-empted the field before we could get in it.

Somehow or other these two situations ... I see Mr. Bennett smiling. I think you may agree?

HONOURABLE W.A.C. BENNETT: I think they got a little room. Everyone is not coming into Medicare so they are going to have a surplus.

HONOURABLE J.P. ROBARTS: If we do not go into Medicare we are serving notice that we want the money.

Regarding the indirect tax field, it was said that we get a lot of trouble in our Province because of the very high tax we place on liquor. It is interesting to note that the Federal Government takes more from liquor than we do.

HONOURABLE J.R. SMALLWOOD: So do we. We get more than you do.

HONOURABLE J.P. ROBARTS: I was rather interested when you raised the whole question of ground rules for federal spending power and whether this should be something we should consider. I think we should consider it very deeply. I think we should look at how the federal spending power is used in terms of influence on the Provinces and what they do.

We have no, absolutely no complaint whatsoever about the Federal Government raising money to make equalization payments. We do say this: we think all equalization payments should be made in one lump sum. We don't agree with equalization through individual programmes such as the Medicare programme. Who in Canada really knows what the equalization payment is?

You take the national average of medical cost: your Province, Mr. Smallwood, will make money on Medicare in the first two or three years. Then, as soon as the costs escalate, as inevitably they are going to, that will disappear.

HONOURABLE J.R. SMALLWOOD: We will make money for a year on Medicare only because we have been in Medicare for 30 years already.

HONOURABLE J.P. ROBARTS: We have been in it quite a long time ourselves. We have a pretty good plan and we don't want to scrap it. We are being asked to destroy it in order to come into the federal plan. Our people don't want to go into Medicare. They are pretty satisfied with things as they are.

These are some of the problems that we see in fiscal spending. We think that they are very closely tied to constitutional problems. As I said in my opening statement, if Ontario cannot get room to continue to do what it is doing, if we are faced with the prospect of either over-taxing our people or limiting our programmes, if we have to cut back what we are doing in the fields of education, health, power development, transportation, urban renewal and pollution control, then we suggest that you will change the face of this Country through fiscal pressure much more effectively and rapidly than you will by fiddling around with certain paragraphs in the British North America Act. You will make it necessary for us to operate in a fashion, completely different from that set out in the BNA Act.

This is where we relate what we are talking about to constitutional change. You are going to bring about change, you are going to make Canada a different Country but you are not going to do it by the alteration of any statute or by rewriting the Constitution. You are going to do it by fiscal leverage, which is the term I choose to use. If we go on down this road with the attitude, 'We will raise our revenue and you raise yours and never the twain shall meet,' you will make it impossible for the Provinces to continue with the programmes they presently have. As far as I am concerned this is complete fiscal irresponsibility. I think it is complete irresponsibility as far as John Robarts as a taxpayer is concerned, never mind John Robarts as the leader of the government. I am going to be taxed and taxed and taxed in various areas, with no co-ordination of what happens to the tax money and no co-ordination of the burden of taxation.

We don't think the Country can be run in this way. We must work out some means of distributing tax revenues. Whether we do this by alteration of the Constitution or by agreement it will still be fundamental, very fundamental, to what this Country will be ten years hence. This is the position we take.

I was very interested, Mr. Strom, in your remarks about what might be an enlarged basis of operation for the Bank of Canada. Why does the Bank of Canada sit in Ottawa and advise only the Federal Government?

HONOURABLE W.A.C. BENNETT: I have asked the Governor and he has said that it is not federal policy...

HONOURABLE J.P. ROBARTS: We suggest we might change the policy. We are in touch with Mr. Rasminsky. I think he knows what we are doing in the money markets of the world.

HONOURABLE W.A.C. BENNETT: Would you be agreeable to that, Prime Minister?

THE RIGHT HONOURABLE P.E. TRUDEAU: I would certainly be agreeable to discussions between heads of government.

HONOURABLE J.P. ROBARTS: Fair enough. So we make progress. Believe me, we don't come here to start a fight. I said yesterday there is no crisis as far as I am concerned; there is only a discussion; there are many things to discuss, many new approaches to be taken. Prime Minister, I hope we can take some of these. I have the feeling in my heart that you are looking for some of the things that we are suggesting. Let us not be bound by what happened last year. Anything before the 25th of June, as far as you are concerned, does not exist!

Here we can really get started with some new approaches, new ideas. Let us make this Country of ours what it really can be and let us not worry about previous positions or attitudes. You won't find any worry on Ontario's part. We will say we are wrong if we have been and we won't worry about saying that as long as we can find a way to move on to solve some of our problems and let us not say that everybody has to go their own way. This is one Canada and this is one very miserable taxpayer, John Robarts, that I am worrying about. How much he is going to pay? Imposed by whom?

I must tell you one story, Prime Minister. Not too long ago at two o'clock in the morning my phone rang and a voice said 'John, I want to discuss federal-provincial fiscal arrangements.'

I said, 'It is two o'clock in the morning. Would you come to my office at nine-thirty?'

The voice said, 'At nine-thirty tomorrow morning, I won't give a damn!'

We care now. We care tomorrow morning. We want to discuss these things and we want some new approaches. Why can't we deal with this question on Medicare, since it is obvious to all the people of Canada that it is a real

dispute. If Quebec and Ontario, representing 50 per cent (I don't know what percentage of the population we represent) are reluctant why can't we do something about it? Are we just saying that this is a thing so rigid it cannot be touched or disturbed? When half the people of the country are not in favour of it? We will suggest to you to deal with each of us individually as Provinces ... 'Well, we will take it.' But Ontario did not vote for it, Mr. Benson.

HONOURABLE E.J. BENSON: All Federal members did.

HONOURABLE J.P. ROBARTS: Well, the Federal members have not the responsibility of running the programme that we have. They have their responsibilities. They discharge them as they see fit. I have mine, and I discharge mine as I see fit. And I am making this plea today, in discharging my responsibilities to the people of my Province, and I do not think they really want this plan, and for the life of me I can't understand why we have to be so rigid. Can't we change our mind? Are we unable ---

HONOURABLE E.J. BENSON: I think we should come back ---

HONOURABLE J.P. ROBARTS: I am not finished, but I will add the rest a little later.

HONOURABLE G.I. SMITH: There are just two or three things I want to say, and before I say them I would like to note these are not related to the subject of regional disparities. I hope we have an opportunity to say something when that specifically comes before us. The first thing I want to do is to say without reservation Ontario has also supported equalization; not merely by being passive about it but by advocating it. I do not think anyone should be allowed to believe that Ontario has ever been reluctant in this field. Both the present Prime Minister of Ontario and his predecessor to my personal knowledge have supported this from a long way back, and it seems if there was any suggestion that this was not so that it not be allowed to stand.

The second thing I want to mention is our old friend Medicare, and I want to mention it because of the suggestion that while this plan was being formulated and before it was put into the statute there was meaningful consultation with the Provinces in order to work out what might be a reasonable satisfactory plan to all concerned.

I do not believe that to be true in the slightest degree. I repeat I do not believe that to be true in the slightest degree.

There sits alongside me the Honourable R.A. Donahoe who has been Minister of Health for Nova Scotia for more than 12 years, who participated in all the discussions or at least all that Nova Scotia was allowed to participate in, and he assured me this morning before I make these comments that to his knowledge there was no meaningful consultation before the plan was formulated and enacted into law.

If there had been, Sir, we might very well have a different plan. And it is only keeping away from understanding the problem involved and keeping away from understanding why some Provinces feel so strongly about it to allow oneself to think there was such meaningful consultation.

Now, I also want to make a comment about the view expressed on behalf of the federal authorities that if the Provinces want more money, let them go and raise their own taxes.

As Premier Smallwood said so eloquently this morning, what good is that going to do a Province that doesn't have any more tax room and there are many Provinces in that situation now.

I do not think that it is a tenable position at all for the Federal Government or any federal authority to hold.

Now, let us look for just a moment at the problem we are dealing with, and that is how to solve the differences and difficulties that clearly lie in the way the power to raise taxes and the power to spend are exercised today and how they are divided between the two levels of government.

It seems pretty clear you can only deal with the situation either by change of the revenue sources open to the different levels of government or by a change of the responsibility which those governments have to discharge, or a combination of both.

That is not going to be something that is very easy to do, and with all deference to everyone sitting around here, I doubt if there is enough accumulated knowledge about the total tax potential of Canada to decide it

very intelligently today in any event.

I think to deal with it at all effectively or with any hope of finding a solution we have to examine the whole question of how much tax-raising potential there is in the whole country by all levels of governments, and that is something we do not know enough about now. I think that if the Tax Structure Committee had been allowed to continue, we might now be in a position to have this up-to-date information.

We have to go into the whole question of how much tax-raising potential there is in the country. And then we have to look at how that total potential can best be used for the benefit of Canadians. One thing, of course, we would have to look at right away: should you exhaust the whole potential; if not, how much of that total potential should you use by imposing taxes?

When you decide that, then I say you see what level of government can best use whatever money it is proper to raise in total, including the municipalities. In what field can money be used - I am sorry; what level of government can money used by highways best be spent? And then let us put the responsibility there along with the appropriate amount of revenue potential to deal with it.

It seems to me that it would be a reasonable way to deal with this problem either to revive the Tax Structure Committee - it has never died exactly, but certainly it has not exhibited many signs of life for a couple of years - the Committee which accumulated not only a good deal of knowledge about this field, but also had represented in it the finance ministers of all the governments, people best qualified to deal with financial problems.

I suggest that that or some other committee of equal status be given the task of tackling this problem in the way I suggest: first, seeing what the potential is, the total potential and then seeing in the various fields of government how a portion of that potential can be used best, and then get down to the business of trying to decide whether we are going to change the Constitution and bring this about or whether we simply arrange a better system of transfer payments, or whether we work out some agreement which does not involve the Constitution.

I have only another word to say, and it is simply to repeat what I said at the beginning, that I do not

really think we have enough knowledge around this table to decide the problem even if we thought we actually could make a decision today or tomorrow, and that the only reasonable way to deal with it is to put it in the hands of a really large committee composed of representatives of all the governments and with enough staff at its disposal to do the work and to do it as a matter of priority.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Premier Smith.

Before giving the floor to the leader of the Saskatchewan delegation, I want to clarify a point on consultation in Medicare. I believe you said there was no truth to the statement there was ever any agreement or consultation on Medicare. If there was no agreement, I can see it, but the point of consultation is the one I made, and there was a great deal of consultation on Medicare.

I was not around, but I have a history of it, and I would state it very briefly because if it is false perhaps we could re-write it.

HONOURABLE G.I. SMITH: What I thought I said, in any event, was that before the plan was formulated in such a way that it passed into law, there was no meaningful consultation with the Province of Nova Scotia in the sense of consultation directed to accomodate itself to views which might exist in Nova Scotia.

THE RIGHT HONOURABLE P.E. TRUDEAU: Oh, yes.

HONOURABLE G.I. SMITH: And I think every other premier will say the same thing.

HONOURABLE R.A. DONAHOE: There were four fundamental things that were decided in advance of all consultations, and when we came to consult about Medicare we were advised that the definite decision had been made that it must be universal, it must be comprehensive, it must be government-controlled, it must be portable. Unless you are prepared to engage in a plan that meets all of those four conditions then the Federal Government will not participate in the cost of any Medicare programme.

THE RIGHT HONOURABLE P.E. TRUDEAU: And some Provinces accepted, and some did not.

HONOURABLE R.A. DONAHOE: We accepted it. We are going into it on the 1st of April, Mr. Prime Minister, and we are going into it by virtue of going to almost the very limit of our tax potential in order to collect our portion of the revenue to do it.

THE RIGHT HONOURABLE P.E. TRUDEAU: I think a point might be made that apart from a visit to all the Provinces, apart from the Federal-Provincial Conference in July, 1965, with Medicare as one of the principal items on the agenda, where three premiers objected but the others either supported it or were non-committal; there were a series of five other meetings between the ministers of health and a technical conference of officials, and an individual meeting of ministers of health and other technical meetings.

There was a great deal of consultation on Medicare. Some did not agree with the scheme. Others did.

But this is the difficulty we are in again. How do we use spending power when there is no unanimity? We would like to have rules on this, and so far there have been suggestions, but they have not met with any kind of consensus.

HONOURABLE G.I. SMITH: There are many kinds of consultations, and I suggest what is a consultation in the mind of one person may not be in the mind of another.

But let me give you another example of which I have personal knowledge of alleged consultation when in fact there was no real meaningful opportunity for debate at a ministerial level at all, and that is in the working committee on the present formula for equalization.

There was a multitude of meetings of various committees, and particularly one committee in which this matter was discussed, but when we came to the ministerial level, there was no opportunity whatever to debate the alternative methods, or even to discuss alternative methods. And when I tried to do so, the Chairman of the Committee - a member of the Tax Structure Committee - said, "We will refer this back to the Committee."

No doubt in the mind of the federal authority there was consultation then. In my mind there was none of an effective nature at the ministerial level which could have the slightest influence upon a decision which was already taken.

HONOURABLE D.G. STEUART: I think this is the problem.

I am interested in a point raised by Mr. Robarts in regard to fiscal equivalence. Is there any consideration being given to this by the Federal Government?

THE RIGHT HONOURABLE P.E. TRUDEAU: If I might be permitted to answer a question I would be tempted to say to Mr. Robarts what he said to Mr. Smallwood: it is not as simple as that.

If we were to do this - let us just say we were to give you fiscal equivalence in the Medicare scheme, shouldn't we on the grounds of equality give fiscal equivalence to every Province who, at one time or another in our history did not get into joint shared-cost programmes many of which were designed to fit Ontario's needs.

Ontario came in in the first year. I know in the case of some programmes Quebec only came in much later, and in several cases the other Provinces could not afford to come in.

For years federal grants to universities were not paid to Quebec and they were paid to Ontario.

HONOURABLE J.P. ROBARTS: Weren't they accumulated?

THE RIGHT HONOURABLE P.E. TRUDEAU: In the latter years, yes, but what about the Trans-Canada Highway? What about technical and vocational schools which applied in your Province before they applied in many others? Should there be fiscal equivalence every time?

HONOURABLE J.P. ROBARTS: No.

THE RIGHT HONOURABLE P.E. TRUDEAU: A scheme which is made for all Canadians is either not entered or entry is delayed by one or more Provinces. If the answer is yes, then we would be prepared ---

HONOURABLE J.P. ROBARTS: I cannot answer that directly. All I know is that you have already stated that in five years you are going to pull out of the programme anyway, so why not pull out now instead of five years from now?

THE RIGHT HONOURABLE P.E. TRUDEAU: Fine. If you can get consensus from the Provinces. As I say, the Medicare programme won't apply in any Province if you can agree amongst yourselves that it should not.

HONOURABLE D.G. STEUART: There was consultation on Medicare. I sat on many of the meetings, and that colourful representative of the Crown, Judy LaMarsh, carried on many. Surely there is no suggestion that we did not take everything into ---

HONOURABLE J.P. ROBARTS: I haven't got through her book yet, so I do not know what she says about me.

HONOURABLE D.G. STEUART: You are in the last chapter, so hurry up and get there.

Mr. Prime Minister, I would like to come back to the original point that Premier Weir made; that is, what we need today, I think, is to agree, if we can (and Premier Smith alluded to this) to set up a committee that would start work immediately.

We have come as Western Canadians to this Conference not downgrading the need for constitutional change, not downgrading the need for more bilingualism or linguistic rights across Canada, or not downgrading any step that needs to be taken to bind Canada together; but saying that the major problem facing this country is fiscal, and asking that fiscal matters, which is the spending powers and the taxing powers of government, which is a part of the Constitution, and a very vital part of the Constitution, be given top priority, at least equal priority, with these other questions of bilingualism.

We cannot decide it here, but surely we should be able to decide that we could set up a committee and agree that we will consider cost-share programmes.

I think 80 per cent or 90 per cent of the problems between the Provinces and Ottawa stem from cost-shared programmes. You do re-arrange our priorities; and you do intrude in our responsibilities.

I sometimes wonder, as I am sure you do, and Mr. Benson, many of you, you talk about changing the powers. But I am not sure the rest of your people in your government really want to change the powers. There is a built-in vested interest by thousands of Civil Servants on the

federal payroll and on our payroll who check qualifications of cost-share programmes, and auditors who audit the work of auditors, and I don't know if we gave them the magic wand tomorrow to change these cost-share programmes and rearrange our fiscal spending and tax-gathering powers (which would be the perfect system) that they would not break the want or hide it, because there is a vested interest here in Ottawa and in the provincial capitals as well to maintain the status quo.

I think that we need to have a conference called of the proper officials that will work along the lines, be instructed to work along the lines, to take a hard look at these cost-share programmes, take a hard look at these cost-share programmes, take a hard look at the qualifications necessary. I think there should be more flexibility. I do not think it is reasonable to say if you want to qualify for this programme or that programme these are the absolute minimum qualifications. Granted there should be some national standards, but I think the standards in many cases are too high. I think they are put sometimes artificially too high to create more work for more bureaucrats in more capitals.

So I think they should be instructed that we want to rearrange our fiscal powers and our taxing powers. Because it makes sense. And there is only one taxpayer, and we are taxing him to death. And if we are confused, I wonder how the people of Canada right now are confused about who is taxing them to pay for what.

So let us agree that we can instruct some committee to take a hard look now, and then agree. And then we can come to some agreement on this particular power, that it should be transferred to you -- say, higher education; maybe that should be a national concern because of the mobility of our people. Quebec certainly will not agree with this, but is it necessary that Quebec agree? Maybe all education could stay within the Province of Quebec. Maybe we would be prepared to turn higher education over to the national government. Maybe we would not. But when we can come to some consensus of agreement with four or five Provinces containing 50 per cent of the people, let us make that change.

We talk about changing the Constitution. I think we will change the Constitution -- find out how to change it the day we have got something sensible to change it for, but not until then.

I would suggest we do set up a committee and tell them to get to work immediately on this question of cost-share programmes; and follow what Premier Weir said in the meantime -- give us some kind of guarantee without putting yourself in a straitjacket, but if you do have to make some changes that affect us, you will give meaningful consultation, not like the estates tax. If you do want some of the cost-share programmes you won't pull the rug out from under us, like you did with health grants, and some ARDA grants; but you will in fact consult with us and give us a chance to adjust; and instruct your people that you are serious about making these changes; and we will do the same with our people. And then we can come back and make the changes one at a time.

Because if we wait until we have got agreement -- we can hardly agree on the time of day around here, never mind some meaningful changes in toto.

Let us instruct them when we make a meaningful change to bring it back, and that is number one change. I think if we don't do that we will still be talking about some changes and still be coming to you with our hat in our hand.

Saskatchewan does not say that the answer to the Provinces' financial problems is to run down and beg to Ottawa every time. We have our own responsibilities. I think you people have not played fair with us. I think we have not played fair with you.

We came down to a meeting in September. We were supposed to bring our spending programmes down. They were ridiculous. There were 20, 17 per cent increases. They were inflated. Why? Because we were trying to impress Mr. Benson to give us some money. We didn't impress him. And I don't blame him.

So I think we need a new day in the fiscal arrangements and the changes in the Constitution on a sensible basis. And we would be prepared to go along with that.

HONOURABLE W. WEIR: I would like to make a point there, that Mr. Steuart was speaking for himself when he was talking about coming down with inflated programmes.

HONOURABLE D.G. STEUART: Mine was deflated -- only 7 per cent.

THE RIGHT HONOURABLE P.E. TRUDEAU: I think we should take up these proposals but...

(TRANSLATION)

HONOURABLE J.J. BERTRAND: I would simply like to say this. The idea put forward by the Saskatchewan representative and which follows on the suggestion of the Premier of Manitoba is to the effect that we should have a committee.

But what would be the purpose of this committee? Should we discuss immediate problems or speak of the future? In fact we should not have too many committees. We already have the Committee of Officials, the Constitutional Conference where all these problems were originally examined and where they will continue to be examined.

If we are talking of long-term solutions to the fiscal problem I believe that the following would be an ideal solution: we could set up sub-committees within the Constitutional Conference established last year.

If Mr. Weir's suggestion is to the effect that we should immediately set up a committee of Ministers of Finance to look into these matters more closely, I think that would be excellent.

But if we are involved in long-term problems I believe it would be better to leave those matters up to the Continuing Committee on the Constitution which already exists. What is being sought exactly?

THE RIGHT HONOURABLE P.E. TRUDEAU: As far as I am concerned I entirely share Prime Minister Bertrand's view. I believe that there should be some distinction drawn between the various committee levels.

(ENGLISH)

There are three levels at which we can operate. At the lowest level there are already in existence task forces which have been set up by Mr. Munro, the Federal Health Minister, with the Provinces, to examine various spending programmes to see which of them should be altered and modified with a view to getting more saving for the taxpayer, for the provincial and the Federal Government. This is going on now. It could perhaps be continued with a great deal of profit.

But then there are the two other levels. I believe that the immediate questions, the fiscal ones, are generally dealt with in the Tax Structure Committee. The Minister of Finance suggested in December that it should be reconvened. It could be reconvened immediately if this is the desire.

But I believe Mr. Steuart's and Mr. Bertrand's point would be best met by referring this problem we are discussing now, taxing and spending powers, to the Continuing Committee of Officials, which is the Constitutional Committee.

It could get some technical aspects of its work done by the Tax Structure Committee if it so decided. But it would be facing the problem we have been trying to grapple with this morning, the constitutional problem and the rules of the game in the spending power and in the taxing power. And if that were agreed, we could reach some resolution which would be drafted by the Committee of Officials, to which we could assent later on in the day, or tomorrow.

But essentially it would be referring the item Distribution of Powers to this Continuing Committee of Officials on the Constitution with the direction to look at the taxing and spending aspects of the distribution of powers.

If they wanted to go on to the other aspects that you, Premier Bennett, raised at the beginning of the discussion, it would also be within their authority. But they would begin with this particular aspect of the spending power. And then they could go on to the other aspects which you suggest.

HONOURABLE W. WEIR: Mr. Prime Minister, I may be alone, and, if I am, that is fine. And I hold the view - and I would like to share it - that the committees of this Conference should be ministerial committees who would direct the working of the Constitutional Review and the Continuing Committee.

In my view anything this does has an impact on the political lives of every individual Canadian. And I think they should know whom to blame for things that are said and things that happen.

I think the people should direct it - have the mood of the Cabinet - of the respective governments. And I

take a dim view (and I don't mind telling you) of hearing on the radio that there is a dragging of feet by some governments in terms of the Continuing Committee. I don't know whether they were referring to Manitoba or not, but by a number of the Civil Servants, a bureaucrat (to use my friend's, Dave Steurat's, words) speaking in British Columbia and talking about three Provinces dragging their feet....I don't mind the Prime Minister talking about me dragging my feet. I don't mind the leaders of the other governments talking about governments dragging their feet. But I think this is an area for the administrators to keep out of.

I believe that the research and the development should be directed by a group of people who are responsible, and through their legislatures to the people of the respective jurisdictions.

I hold the view, and believe it all the way down, where your short term committee, long term committee, any kind of committee that you have, the operation of your Continuing Committee of Officials should be directed by a Minister. And I think it could be run - I would be quite happy to assign the Attorney-General of Manitoba who is really in charge of constitutional affairs, to direct Manitoba's position on all of these things, taking his advice from his other colleagues as he needs to in directing the work of the committee.

HONOURABLE W.A.C. BENNETT: Mr. Prime Minister, we have our deputy ministers and our trusted advisers. They are carrying out the ministerial position for us. Their deputies are our deputies, and therefore they are working with us. And that is the way to get things done, otherwise you are tied down with lots of detail and never get it done.

The only point on shared programmes, I have just one observation. I don't mind the Federal Government coming out with proposals of shared programmes. I am in favour of that, as long as they have the money under the Constitution to finance their share. But I do object very strongly after establishing these shared programmes, to withdraw without unanimous agreement here.

And I would hope, Mr. Prime Minister, that on some of these announcements that we are starting to get about withdrawals, that you will put a stop to it immediately. Because that is not fair. And that is not the way to build

a strong Canada, Mr. Prime Minister.

I wish you would give us that assurance.

THE RIGHT HONOURABLE P.E. TRUDEAU: I will give you the assurance on item (g) on the agenda we are dealing with proposals on the mechanism on Federal-Provincial consultation, and if we could set up a mechanism whereby we will be able to do exactly this...

HONOURABLE W.A.C. BENNETT: I would like you to do this now - instruct your ministers that where the Provinces entered into agreements with you there is to be no withdrawals without agreement with the Provinces that have agreed to enter with you, because you cannot get a person into an agreement and then get his expenses going and then pull out. That is most unfair.

THE RIGHT HONOURABLE P.E. TRUDEAU: That is why we have task forces who are now negotiating with the Provinces to see where we could pull out. We don't pull out because we want to.

HONOURABLE W.A.C. BENNETT: We think that as a principle we should agree that once these shared programmes that we entered in good faith (and you got us into them; and we willingly went into them) that you are not going to pull out and leave us alone with them.

I mean, that is most unfair. You can't build any confidence on that. So I don't think that is a job for a task force; I think that is a position for the Prime Minister, if I may in due deference say it.

After saying that, I would like to see that we have showed progress here this morning. On 91 Distribution of Powers, I would suggest that we agree that we strike out 3 for the time being for further consideration.

Outside of that we have agreed to everything from (1) right down to (28) inclusive at this Conference this morning, and leave (3) or alternative (3) for discussion later, and (29) for discussion later.

So we can say to the Canadian people that we are not only talking; that we are getting things done too on this question of the Constitution.

THE RIGHT HONOURABLE P.E. TRUDEAU: Is that agreed?

SEVERAL VOICES: Agreed.

HONOURABLE J.R. SMALLWOOD: No, it is not agreed.
No.

THE RIGHT HONOURABLE P.E. TRUDEAU: I am afraid there is not agreement on that.

HONOURABLE J.R. SMALLWOOD: Let us see what goes in place of it before we kick it out.

HONOURABLE W.A.C. BENNETT: We are not kicking it out. We are setting that aside.

HONOURABLE J.R. SMALLWOOD: We are not talking about it.

HONOURABLE W.A.C. BENNETT: No.

HONOURABLE J.R. SMALLWOOD: All right. We are not kicking it out?

HONOURABLE W.A.C. BENNETT: No. Do you agree with it now? We will deal with everything about that at this time and leave that in abeyance.

HONOURABLE J.R. SMALLWOOD: But we don't disagree with that.

HONOURABLE W.A.C. BENNETT: No, not necessarily so.

THE RIGHT HONOURABLE P.E. TRUDEAU: There does not seem to be a consensus on this particular point but we will have to be...

HONOURABLE W.A.C. BENNETT: I want to say, Mr. Prime Minister, I want the people of Canada to know that British Columbia at least wants some progress made at this Conference.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, I tried to get an agreement as you saw.

HONOURABLE W.A.C. BENNETT: You and I were in unison in this then, Mr. Prime Minister.

THE RIGHT HONOURABLE P.E. TRUDEAU: I think the progress we will want to make is such as that suggested by Mr. Steuart and Mr. Bertrand and Mr. Weir although there is

perhaps a slight difference here as to whether the Continuing Committee of Officials should be doing the on-going work or preparing it for future meetings of ministers.

The difficulty which you are suggesting, Premier Weir, is that the Attorney-General will already be having a lot of things to consider which have already emerged from the Continuing Committee of Officials.

HONOURABLE W. WEIR: In my view, Mr. Prime Minister, you should be allowed to direct that he can delegate if he wants to do that sort of thing, but the Official Committee out of here should be that.

I don't mind telling you I believe that the reputation that I and some of my colleagues got in coming to Eastern Canada about this Conference comes as a result of briefing sessions which Civil Servants have had interpreting what we were going to do and leaving an impression across Canada that we were coming down here trying to break up the Nation and nothing could be further from the truth.

I believe we came down in a responsible fashion and really attempting to pull the thing together, and I think that the finger on every Committee should be at the political level for something that is as serious as our Constitution.

THE RIGHT HONOURABLE P.E. TRUDEAU: In our case, if I can explain it, the Federal Government has the finger on every aspect of the Constitution and there has been no submission by any federal official or proposition which had not been dealt with by Cabinet and sometimes at great length as to the position adopted by all the Provinces, if the Committee of Officials speaks only for the governments which have empowered it to do so, there perhaps will not be this difficulty.

HONOURABLE W. WEIR: But, Prime Minister, you say they don't make decisions but just in the preparation of research that they take on in separating the areas of investigation it comes back to us, a decision is made, and I think that that decision should be made by the political people of the Country.

(TRANSLATION)

HONOURABLE J.J. BERTRAND: If I may, Mr. Chairman, what about the problem raised by Mr. Weir? Should we not

deal with that under item 2(c), Procedures to be followed for the Constitutional Review? I think that would be the proper item.

Mr. Weir says: "All that work is being prepared by officials." But there is no doubt that these officials are working under the responsibility and supervision of the governments they represent. But what I had understood, when you first spoke, is that what you wanted to deal with was more particularly the taxation and spending powers in the present. I understood you to suggest that you would like to have a committee set up to solve such immediate problems. I might have misunderstood you but I feel that, in this case, you are reopening for discussion that item we already have on the agenda relating to Constitutional Review procedures.

(ENGLISH)

HONOURABLE W. WEIR: Well, I am sorry if I left a doubt because there are two things and I separate them both.

I hold the same view about both. I may be alone on the one, you know, in the terms of the Continuing Committee and certainly the right place for it to be brought up is under the Procedure for Constitutional Review, and we didn't really have much of an opportunity to discuss that yesterday and I intended to bring it up on a future occasion when we were dealing with that, but certain things he said made me bring it in at this stage of the game.

If you want to separate them, it is all right with me but...

THE RIGHT HONOURABLE P.E. TRUDEAU: Perhaps it might be useful to do that. We can on item Procedure for Constitutional Review, which we will be dealing with tomorrow afternoon before adjourning, we can perhaps come back to this problem, but right now there is perhaps agreement in principle to the suggestion of the Honourable Mr. Steuart to the effect that this problem we have been discussing this morning, taxing and spending power, be referred to the Continuing Committee of Officials, subject to any modifications we will make after tomorrow afternoon's discussion.

There is the problem of regional disparities - ?

HONOURABLE G.I. SMITH: Excuse me, Mr. Prime Minister. I am not going to disagree about referring it to the Continuing Committee, but just doing that will not meet the point I was trying to make, namely, that this after all, this constitutional problem is really wrapped up in money and we fully begin to say how the Constitution is going to deal with this money, the ways of raising it and the ways of spending it, someone has got to know how much money there is there. What are the potentials of the different fields from which taxes may be raised, revenues may be found.

I do not believe that the Continuing Committee is very well informed on that at present. I know it takes a great deal of work to do it because we went through it once in the Tax Structure Committee.

THE RIGHT HONOURABLE P.E. TRUDEAU: That is why on that aspect of it I said earlier that the Tax Structure Committee could be reconvened. It could be directed to meet in the very immediate future for these immediate items and the Minister of Finance, Mr. Benson, has, I believe, made that offer last December so we could, not as members of a Constitutional Conference, but as all interested in the immediate financial problems, direct this Tax Structure Committee to meet fairly soon. Could that be arranged, Mr. Benson?

(TRANSLATION)

HONOURABLE J.J. BERTRAND: But that is precisely the problem which I have just been discussing with my colleague, the Minister of Finance. We have stated that there were long-term problems. These problems belong to us, to the Constitutional Conference. We have also at this point short-term problems.

Some examples have been given this morning by the Prime Minister. Is there shortly to be a conference of Ministers of Finance to continue the talks initiated last November and December; problems of financing, taxation problems, etc., with a view to finding immediate solutions. Is that the point referred to by Premier Smith? Was he thinking of setting up a committee of Ministers of Finance called by the Federal Minister of Finance and empowered to deal with immediate problems, such as Medicare and others?

THE RIGHT HONOURABLE P.E. TRUDEAU: On that point the Ministers of Finance are to meet when Mr. Benson has produced his White Paper on Fiscal Reform. It might be

possible for the Ministers of Finance to avail themselves of that opportunity to discuss what has already been prepared by the Tax Structure Committee. Mr. Robarts?

(ENGLISH)

HONOURABLE J.P. ROBARTS: I don't think, Mr. Prime Minister, that this question will ever be settled by Ministers of Finance. As far as I am concerned it will have to come before heads of government. I think it is too fundamental. I think it is too deeply imbedded in what is going on in our Country. I just have the feeling that we will settle nothing with another conference. It must come before us as heads of government.

HONOURABLE W.A.C. BENNETT: You will have Premiers and Ministers of Finance.

HONOURABLE J.P. ROBARTS: Oh, he can bring as many advisers as he wants.

HONOURABLE W.A.C. BENNETT: Just one more minister.

HONOURABLE J.P. ROBARTS: Yes, certainly. All I say is that this is of such consequence that I don't think it can ever be settled by the Ministers of Finance.

THE RIGHT HONOURABLE P.E. TRUDEAU: Fine, but at what stage do you suggest, Premier Robarts? I mean many of the Premiers said they had not come down here to ask for more money. We were happy to hear that. We are here essentially to try to solve the on-going problems, the future problems, not take up the past, and that is why we say this is essentially a Constitutional problem and we agree with Mr. Steuart's suggestion that we have it referred to the Committee of Officials.

Now, at some point obviously the heads of government will have to come together and talk about financial problems. Our submission once again is that that can be done when we have begun to work out the rules of the game.

I repeat: if the spending power is not desired by all Canadians, if it is something we want to rip out of the federal authority, we can do so. We can consider it. We can look at the consequences on the Country but in the same way as education is within provincial jurisdiction, for one hundred years spending power has been in the federal jurisdiction. We are looking now at the Constitution to

know whether it should be altered in one way or another and this would be done eventually by heads of government but what do we do now when we adjourn on Wednesday night?

Should we not ask the Officials...?

HONOURABLE J.P. ROBARTS: I think that is probably correct, Sir. As far as I am concerned, once we adjourn for lunch I will never mention a dollar again at this Conference. It was on the agenda for discussion this morning. This morning is over with. We have completed our discussion on this portion of the agenda. We will go on to the other matters that are here.

All I say is that referring this to the Ministers of Finance, I think, will solve nothing. I think it must come back to the Tax Structure Committee. That work must be updated. Then eventually it will have to come up. When we do this it will be up to you and all the heads of government here. You will decide.

All I say is please let us not give this to the Ministers of Finance. All you will do is have a delay.

Eventually it has got to be solved by us. That is the last word I will say about money at this Conference.

HONOURABLE W. WEIR: Are we talking about short-term, about how we carry on between now and constitutional change or are we talking about long-term?

THE RIGHT HONOURABLE P.E. TRUDEAU: Premier Robarts was talking about both. The Tax Structure Committee.

HONOURABLE W. WEIR: Well, in my view the Finance Minister is the only man in my government who is going to be able to agree or disagree with our position in relation to increasing taxes, to dropping out of shared-cost programmes, to entering new shared-cost programmes. It is not going to be any official of the Government of Manitoba. There is only one man I listen to and it is this guy.

THE RIGHT HONOURABLE P.E. TRUDEAU: Perhaps each provincial and federal government should be authorized to delegate who it wants to the Continuing Committee of - we can call it - Officials and Ministers, if that is desirable.

I think many of us feel that it would be useful to have the officials meet and try to delineate the problems and suggest to us alternative solutions before coming together ourselves. But if your Finance Minister wants to attend...

HONOURABLE W. WEIR: In my view I am looking for something that is looking after the taxpayer tomorrow in case somebody is going to bring in a budget that we don't know anything about. The last one we had...

HONOURABLE E.J. BENSON: I promise you I won't.

HONOURABLE W. WEIR: Well, all I am saying we have heard these things before. I would like a mechanic whereby these people can sit down and talk about it and be concerned about the total tax on the taxpayer and I think it should be the elected person that is concerned in establishing the level that we have got and I will be satisfied if you make it Ministers and Officials as long as I can send my guy.

THE RIGHT HONOURABLE P.E. TRUDEAU: I do not think our officials would mind sitting down with your guy.

Well, is that agreed then?

Do we feel we have discussed regional disparities enough? It came in indirectly in many of the statements, but, if not, we will bring it up tomorrow morning the first thing on the agenda.

This afternoon we will take languages and we will take fundamental rights and any time left over we will go on with the rest of the agenda.

Premier Smith?

HONOURABLE G.I. SMITH: I would like to have an opportunity to discuss regional disparities further.

THE RIGHT HONOURABLE P.E. TRUDEAU: You will invite Mr. Robarts to talk about dollars.

HONOURABLE J.P. ROBARTS: No, I won't. I will keep quiet.

HONOURABLE L.J. ROBICHAUD: Premier Robarts said a moment ago he was not going to talk about dollars any more at this Conference. I hope he didn't want to write out of

the agenda regional disparities.

HONOURABLE J.P. ROBARTS: Not at all. You can say anything you like. It is just what I am going to say.

HONOURABLE L.J. ROBICHAUD: You have to mention dollars.

THE RIGHT HONOURABLE P.E. TRUDEAU: Then tomorrow morning, or later in the day if we have covered the rest of the items, 4(a) and (b), we will go on with regional disparities and the other items on the agenda.

FOURTH SESSION TUESDAY AFTERNOON

Ottawa — February 11, 1969

FOURTH SESSION : TUESDAY AFTERNOON

THE RIGHT HONOURABLE P.E. TRUDEAU: This afternoon the items to be dealt with are under Item 4: Official Languages, which I hope we will be able to discuss for part of the afternoon; and the other part, Fundamental Rights.

On the Official Languages, the first item, I hope I might be allowed to lead off very briefly since it is an item we sought to put on the agenda and I want to repeat statements we made yesterday in the name of the Canadian delegation.

I think essentially the question can be brought down to the choice between two sorts of Canada; one kind of Canada where French would be used exclusively in the Province of Quebec and English used exclusively in the rest of Canada, presumably the Federal Government using only the English language. That kind of Canada would obviously quickly lead to a division and associate states and probably two independent Canadas.

The other sort of Canada is the one on which I believe we reached a consensus last year at this Conference. A Canada where the rights of French and English are recognized as both being official languages. In practice, this means that in areas of the Country where there is a sufficient number of people speaking one of the official languages, that justified the use of that official language in the various institutions, schools and various dealings with civil authorities.

As I say, I believe the choice was made at the first meeting of this Constitutional Conference. One of the conclusions drawn last year was - and I quote:

"Recognition by this Conference that as proposed by the Royal Commission on Bilingualism and Biculturalism and as a matter of equity French-speaking Canadians outside Quebec should have the same rights as English-speaking Canadians in Quebec."

There has been a great deal of progress made on the application of this principle since last year. At the

federal level, as you know, we have gone beyond the strict provisions of Section 133 of the Constitution imposing certain obligations in the matter of recognizing two official languages. We have gone beyond that and introduced for the first reading the Official Languages Act, about which I expect we may hear more later on. The Provinces have also gone beyond the strict provisions of Section 133 of the B.N.A. Act imposing on Quebec and the Federal Government certain obligations, shall we say, to use both languages in the Legislature or Parliament. Certain Provinces have gone beyond that and made the French language an official language in their legislative assemblies; that is, the four Atlantic Provinces, I believe, and the Province of Ontario. As a result now there are these four Provinces plus Ontario and Quebec, making six, plus the Federal Government, making seven; seven out of eleven legislative bodies do recognize English and French as both official languages.

Beyond that we have the Provinces that told us yesterday (and we heard it with pleasure) that throughout the months of the year they have gone further than that in their language rights in the schools and set up either pilot projects or schools or the right to teach the other official language in the schools of the Province in certain conditions and under certain ways.

Therefore, there has been progress and the questions we would hope to deal with at this Conference now are one constitutional question and one practical one. The constitutional question is should we entrench these rights, should we state in the Constitution that we want to not only make the recognition of these two languages a matter of goodwill, which could be altered or modified by successive governments, or do we want to make it a basic right and principle upon which this Country rests that both languages are recognized as official; once again in those areas where it is practical.

On the constitutional side there is also a question that has been raised, I believe, by some of the Prairie Premiers: can we legislate in this area not only in the Constitution but can we legislate in the statutes beyond the strict provisions of Section 133? We may want to discuss this this afternoon and perhaps we will find that both aspects of the constitution question might have to be referred to a continuing committee or a committee of Attorneys-General of the Provinces and of Canada to look at these aspects of the problem. That would be one way

if we cannot finish the debate today to deal with it further.

The second question I said was a practical one. It is one of providing technical and financial assistance to Provinces who have decided to go forward with implementation of the B and B recommendations or of the principle adopted last year. It would mean, as we have stated last year, and I repeat today in the name of the Federal Government, that we are prepared to consider the provision by the Federal Government to the Provinces who want to deal with the minorities in their Province of the other official language, providing to them technical or financial assistance of one kind or another.

Right away when I say this we are back into the spending power. We would not want to do it if it is not recognized by the Provinces as a legitimate use of federal spending power to help the minorities across the land.

This is a question we can discuss and it is one that is made all the more actual by publication of Volume 2 of the Bilingual and Bicultural Commission, the one which deals with education and suggests various ways of technical and financial assistance. We might want to refer this whole practical question of providing assistance to a continuing committee of officials, one that has been set up last year, because this aspect of it has not been dealt with yet. I would merely add in the case of some Provinces they have already indicated their desire to co-operate with us on that and we are prepared to have bilateral meetings with them. We do prefer to have meetings of Provinces so that they can express various points of view so once again if we should use the spending power to help minorities in one Province it would not be contested as an invalid use of the spending power by other Provinces. If possible we would like to have general meetings on that.

(TRANSLATION)

I might simply add a word, directed at the Government of the Province of Quebec. They stated yesterday in their brief, and I quote: "That what is important for French-Canadians in Quebec is not the individual right to speak their language, even in those parts of the Country where it has little chance of being understood; it is to be able to work and live collectively in French and build a society which resembles them."

We do agree that it is important to be able to live as a French community and work in French. As far as we are concerned, however, speaking as citizens of the Province of Quebec, we would like to say to that Province and to its government that we will do everything in our power to assist them in the defence and promotion of the French language. We will do so within the bounds of the Constitution.

But what you said yesterday, Mr. Prime Minister, had reference to what is important for the French-Canadians living in Quebec.

But we would like to know from you what you think of the other people living in Quebec. We would also appreciate knowing your position on French-Canadians in other Provinces or on those who work for the Federal Government. We hope that in the struggle to affirm the equality of the two official languages we will enjoy the support of the Province of Quebec and of its government, who, over the years, has fought so much to ensure the rights of the French language. We would like to know now whether we enjoy the support of your government in respect of Federal legislation in that connection. What we would be dealing with here would be a constitutional amendment to ensure that the two languages be treated equally in all Provinces and not only in your own. That is more or less what I had in mind. I would now yield to any of the leaders of government who would like to take it.

Are there any comments on this?

(ENGLISH)

HONOURABLE H.E. STROM: Mr. Prime Minister, if I may I would like to say a word on behalf of the Province of Alberta. First of all, I want to make it very clear, as I hope I did in the talk that I gave yesterday, that our Province is not opposed to the greater use of French within our Province. In fact, we feel that we ought to give every opportunity that we can for the study of French throughout the whole Province and I think you will recall that we mentioned some of the changes that we have made to try and accommodate the desire that we have in this regard.

Our concern then is not with the greater use of the French language within our Province as far as our concern in regard to the Official Languages Bill. We do feel, and we don't think that it is an unreasonable request, that the Federal Government should be prepared to contest the validity of it by reference to the Court. If it is ruled that

it does not in any way affect us then of course we are not involved and it then certainly is the Federal Government's permission to go forward with it and to implement it if that is what they want to do. I would have to say as far as our Province is concerned, we do not feel that this is the best way to get the greatest advantages as far as language is concerned.

We feel with that on a voluntary basis we will accomplish more. We will create less problems as far as our Province is concerned, and I want to make that point very clear here again today.

Therefore, as it stands at the present time, we do not go along with the Official Languages Bill. We would like to see the Federal Government have it tested in the Courts, but again I make it very clear that we will proceed to do everything that we can to encourage the use and the opportunity to study the French language in our Province.

THE RIGHT HONOURABLE P.E. TRUDEAU: Prime Minister Robichaud?

HONOURABLE L.J. ROBICHAUD: I think the position of New Brunswick on the matter of two official languages has been made clear on various occasions. I think the Premier of Alberta is quite in his right by wanting a reference as to the legality of the Bill presently before the House of Commons.

I might say that in my humble opinion chances are 99.999 per cent that the Bill is a legal one. Perhaps I should say 100 per cent. Anyway I think they should reserve the right to have it tested in the Court.

In the meantime, however, I do not think we should stall the proceedings towards the implementation of this legislation. I know that in New Brunswick we are not ready to stop. We want to go forward because we feel that the ability to speak two languages is an advantage for all Canadians whether they be French- or English-speaking.

Now there may be two ways. We have to decide, number one, whether we will have two official languages entrenched in our Constitution or not. And if we do, then whether it would be entrenched in the Constitution or in a charter of human rights.

Last fall I had the privilege of participating in a panel discussion at the Bar Convention in Vancouver, and one of the members of the audience asked me a question when he said, "If we have faith in human nature as we do, why do we have legislation proclaiming the two languages official? Why do we need legislation? Why don't we do what Premier Strom suggests: Faith in human nature and we will let nature follow its course." In my answer I said, "All the Provinces have faith in human nature, but all the Provinces have laws controlling the sale and distribution of liquor as well."

HONOURABLE W.A.C. BENNETT: No comparison.

HONOURABLE L.J. ROBICHAUD: Well, there is no comparison. There might be some comparison. I do not see anything wrong, personally, in having the right to speak English and French entrenched either in the Constitution or in a charter of human rights. Who can it hurt? It doesn't hurt anybody. The Prime Minister made it quite clear yesterday when he said that nobody in Canada would have to speak a second language in spite of himself.

Nobody will be forced to speak a second language unless he so wishes to do it. Whether he lives in New Brunswick or the Province of Quebec or in Alberta or British Columbia, it doesn't make any difference. He does not have to speak a second language. But why not make a second language available if he so wishes to learn a second language?

Premier Smallwood said yesterday it is a very trifling amount of money to have to pay to keep this Canada united. And I agree with that 100 per cent. I do not think the cost means so much - not only the material cost in terms of dollars, but I do not think it will offend anybody if this feature should be entrenched either in the Constitution or in a charter of human rights.

New Brunswick unanimously supports this legislation, and I say unanimously most advisedly. I know there is a minority of people who think that there will be detrimental effects if this should become law. I really do not think so. I can speak English and I can speak French, and a lot of people can do likewise, but it is not necessary for everybody to do likewise. I do not think it is essential for any civil servant whether he be a federal civil servant or a provincial civil servant to be bilingual. I don't think it is at all. If he happens to be bilingual,

so much the better. It does not mean that his pay needs to be higher; if he is bilingual, much better, yes.

Last week I had at my office the secretary of a newly formed association in New Brunswick, the Association of Indians. There are two tribes in New Brunswick, the Malecite and the Micmac.

They came to me for assistance to preserve their culture and their language, and I told them I would support them 100 per cent. Not that I am ever going to speak Malecite or Micmac. I do not intend to learn that language. But I will fight for their rights to preserve their own language for themselves, and I think it is a basic and fundamental right.

For our part, in New Brunswick we are 100 per cent behind the Federal Bill, and we will introduce legislation at the spring session of the legislature proclaiming French and English as the two official languages of New Brunswick. The legislation may be challenged in Court, but we will have a battery of lawyers to defend it, and I am quite sure that we will win the case.

Now, there is a question of cost. This will have to be negotiated with the Federal Government, and that is why we very likely will make this legislation subject to proclamation because we want to know exactly - or not necessarily exactly, but approximately - what form of financial assistance the Federal Government will be able to give us because, according to the B and B Report, the Federal Government will participate in the expenses incurred by the various Provinces. This I believe is subject to negotiation. And we are ready to negotiate that with federal authorities.

(TRANSLATION)

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Robichaud. Mr. Jean-Jacques Bertrand?

HONOURABLE J.J. BERTRAND: Mr. Chairman, I am happy to respond to the invitation you addressed to me a moment ago and to say a few words on this item of the agenda, "Official Languages". In any event even if you had not called on me to do so I would have done it. It was my duty and I do think that Quebec must make its voice heard here on a problem of that nature.

There is no doubt that the language problem is, at the present time, everywhere in Canada, including Quebec,

a very delicate, complex and difficult matter. I feel we should begin by distinguishing the various aspects of the problem. To my mind there are at least three.

At the outset there is the matter of bilingualism in federal institutions so that these institutions may serve all Canadians, of both cultures. This is quite clearly a matter for decision by the Federal Parliament. Then there is the problem of language minorities - official language minorities, and all steps which should be taken so that they are dealt with fairly. This matter is one for joint action by the Federal Government and the Provinces.

Then there is the problem of the use and the development of French in Quebec itself. This problem is born of the crushing predominance of English in North America. In the Province of Quebec, this is a matter which essentially belongs to the provincial jurisdiction.

May I now make our position clear on each of these three aspects of the problem of Official Languages.

Mr. Chairman, Quebec supports bilingualism within federal institutions.

We feel that these institutions belonging to all Canadians, French-speaking Canadians and English-speaking Canadians, both must have equal access to them and should be able to work within them without any obstacles. This will be possible only if English and French are put on the same footing both as working languages within these institutions and as languages of communication with the public.

Quebec therefore supports the principle of the proposed federal legislation on Official Languages, "Bill C-120, an Act Respecting the Status of the Official Languages of Canada" whose first reading, according to the paper I have before me, was given on October 17th, 1968.

We would therefore ask other Provinces not to oppose its adoption in principle.

However, as has already been noted by a Sub-Committee of the Constitutional Conference, that dealing with Official Languages, Quebec has indicated certain reservations in respect of one of the principal aspects of the proposed federal legislation. I am referring here to the establishment of bilingual districts. It is obvious that in the case of Quebec this idea of bilingual districts is meaning-

less since, in fact, all federal services, with very few exceptions, are already available in both languages in all those locations where English-speaking Canadians are to be found in any number and, indeed, even elsewhere, as most federal civil servants in the Province of Quebec know and speak English. In any event the proposed federal legislation indicates that bilingual districts will be established in all those places where services were available in both languages prior to the implementation of the Act, even if the minority involved is less than 10 per cent.

The matter may be further dealt with in the details of the legislation. I would not object, on the contrary, if you, as Chairman or my colleague the Minister of Justice would indicate to me if I err in what I am saying at the present time, since we are not dealing here with the principle but with the various aspects of the Bill.

In any event, in practice the entire Province of Quebec will be a bilingual district. Conversely, however, bilingual districts in other Provinces may quickly turn out to be what, in certain cases, has been referred to as "reserves" or ghettos. This might well compromise the mobility of French-speaking Canadians. It might very well be that a French-Canadian will hesitate in moving to a location not situated within a bilingual district. From that point on we will no longer be able to speak of the presence of French "a mari usque ad mare", at least outside those districts.

I would therefore ask the Federal Government to remain faithful to its principles to the maximum extent and to state that, as far as federal institutions are concerned, French and English enjoy the same rights in Canada, everywhere. It would be lacking in realism not to admit that I understand that the application of this principle of equality must be done progressively, as bilingualism itself progresses. We should begin by providing services in the two languages in all those places where we find Canadians belonging to the two language groups. But, little by little, all Canada - as far as federal institutions are concerned - will have to become bilingual. How long will this take? How long will the waiting period be? It is then that Canada should be bilingual, not only Quebec and certain districts of the other Provinces.

It does seem to me also that the disappearance of this idea of bilingual districts will probably do much to assuage the fears expressed by certain Provinces with regard to this proposed federal legislation. It would be clear, then, that this proposal involves only federal institutions, Provinces remaining perfectly free to deal with the language problem in a way which best meets their special circumstances. In any event I have heard a number of provincial premiers say, not only here, but at the Confederation of Tomorrow Conference held in Toronto and at the first Constitutional Conference held here, that in their Provinces efforts were being made, more particularly in the area of education, to promote greater use of the French language.

I must say that it is wonderful, for me as well as for my fellow Quebecer, the Prime Minister of Canada, or my other fellows here, to note that there is an awakening in this regard after so many years. It is very gratifying to note that the Premiers of the other Canadian Provinces are taking an increasing interest in the promotion of the French language in the area of education within their jurisdictions. As examples of that, we could quote the very positive, and indeed rather spectacular steps taken by the two Provinces adjoining Quebec, that is Ontario and New Brunswick. Mr. Chairman, it would then be clear that the legislation involves federal institutions only, and that the Provinces, I repeat, the Provinces, will remain perfectly free to deal with this language problem in the way which best suits their special circumstances.

A few words now of two other aspects of the question to which I referred at the outset. In the brief which he presented to the first meeting of this Conference last year, my predecessor, Mr. Johnson, had stated that "certain of our people even object to the position of the English language in Quebec". I might say right away that we will not correct what might seem to be an anomalous situation by depriving the English-speaking minority in Quebec of its fundamental rights. Indeed we are quite ready to guarantee the rights of the English language in the Province of Quebec, the form of such guarantees to be determined at some future date. I continue with Mr. Johnson's remarks: "However, the rights of the French language in Quebec should also be not only guaranteed, but dealt with in such a way that French, in our Province, will find means of development beyond these simple legal terms and suitable to our demographic reality."

Mr. Chairman, you and your colleagues who are here and who follow current events will have noted that the Government of the Province of Quebec has already acted with a view to determining how these two objectives could be reached, notably through the setting up of the "Gendron Commission of Inquiry", whose terms of reference call upon it to recommend those means which should be taken to ensure the linguistic rights of the majority in Quebec along with the protection of minority rights.

Quebec therefore fully intends taking its responsibilities in this field. You might allow me to remind you that the present position of the English-speaking minority in Quebec is still that described by the Laurendeau-Dunton Commission and suggested as a model for the rest of Canada.

You asked a moment ago, Mr. Chairman, what the attitude of Quebec would be in respect of French-speaking minorities in Canada. I need not remind you at this point of the historical facts; it would be as long as it would be boring. There would of course be a great deal of truth in all that I might say. But let us simply state that at this time and indeed, over the last few years, acting through the Department of Cultural Affairs of Quebec, appreciable assistance was given to French-speaking minorities in Ontario, New Brunswick, Saskatchewan, Manitoba, Alberta and British Columbia, that bursaries were given to students and teachers and grants paid to French-Canadian associations in various Provinces. There is even a newspaper of this Country, l'Évangéline, published in New Brunswick, which has received substantial assistance from the Government of the Province of Quebec. I might add that in this area our Department of Cultural Affairs, through that particular division charged with French-Canada outside Quebec, has also extended substantial assistance to our French-speaking fellows in the United States.

All this should indicate that, at the federal level, we find no fault with the principle of the proposed Bill. We do have reservations, however, as I have already noted, with regard to some of its details. With regard to assistance to French-Canadian minorities, we hope that the policies established by the other provincial governments will develop and that we will be able to correct what has been, over the years, unfair treatment meted out to our fellow French-Canadians.

It often happens that surprise is expressed at our reactions. I had the occasion to speak with one of my colleagues, the Premier of another Canadian Province, and to explain Quebec's position to him. I told him: "You might often be surprised at the way we talk but perhaps you should attempt to put yourself in our place. There is no better way of understanding somebody else's point of view than that." There are five or five and one half million of us in the Province of Quebec.

We are the majority. The Laurendeau-Dunton Commission, in two paragraphs which I feel should be referred to here, and which have already been quoted to this Conference, speaks of the political dimension of Quebec's role. It is said that English-speaking Canadians have the majority in nine out of ten Canadian Provinces and that French-speaking Canadians are in a majority in the Province of Quebec.

That is the situation of which we must take advantage. The concentration of more than four million French-speaking people in a single Province is the only factor which, at the outset, gives any reality at all to the idea of association and equality. Quebec is the place where the aspirations and needs of four out of five French-speaking Canadians can be satisfied. Because of this concentration life in French is realized spontaneously and easier to organize.

As the commissioners wrote, the role of Quebecers in the French life of Canada should be recognized to a much greater extent than is the case at the present time. We have a reference at this point to employment in the Federal public service as well as in the private sector. It is added, however, that the situation has also a political aspect. Quebec is the only Province where French-speaking people are in a majority and English-speaking people in a minority. In this instance numbers favour the French-speaking and provide them with a very powerful lever. They may exercise a leading influence within their own Province and also be heard by the rest of the Country - notably, of course, within the Federal Parliament - as well as take a vigorous part in the life of Canada. Of course, all this is fraught with certain dangers. The problem can be put in this way. How can the new Quebec be integrated within contemporary Canada, without restricting Quebec's move forward and, at the same time, without endangering the unity of the Country? The commissioners add: "From all this there results a Quebec leadership

for the promotion of the French language and culture in Canada, whatever may be the prevailing political solution. This is a result not of ideology, nor of some form of messianism, as might have been referred to in the past, but from the very nature of things. In this way, whether we like it or not, it is an obvious and indisputable fact that Quebec is not a Province like the others."

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Bertrand.

(ENGLISH)

HONOURABLE J.P. ROBARTS: Prime Minister, last February we said that the place of the English- and French-speaking communities in Canada was one of the critical and crucial problems which faced this Country. We stated then, and we believe still, that a solution has to be found to this problem in order to meet the legitimate needs of both language groups and to create the kind of climate which will enable the Country to meet more effectively the challenges of constitutional change and economic disparities.

I think this is about as close as I will come to money this afternoon.

In the past two years, I think that Canadians by and large have been made more aware of the linguistic difficulties in our Country, both by the Confederation of Tomorrow Conference where the matter was discussed openly perhaps for the first time, and in the Constitutional Conference that took place here a year ago.

We established a climate a year ago. There might be some question as to whether we have been able to improve that climate in the year that has elapsed. But as far as we in Ontario are concerned, we believe that this whole problem is one of the keys to future progress in our constitutional discussions.

We do not think that the place of the two official languages in Canada can be solved simply by means of directives, regulations, legislation, charters or indeed constitutions. We think that we must take steps of this nature, of course. But we think we must also have in the Country a willingness among Canadian people to act in a generous and fair manner in the question of language usage. We do not think it is only a question of legalities. It is much more than that. It is a question of heart. It is a

question of conscience. It is a question of attitude, a question of thoughtful attitude.

So this is one reason why any incident that occurs in our Country, regardless of how small it might be, involving linguistic rights and privileges may trigger strong and sometimes violent reactions in other parts of the Country. We need a rational and calm approach to this question because there still exists in our Country some narrow and legalistic attitudes to the whole question. The action or inaction of governments, private groups and individuals is crucial to the development of the climate that we think is necessary if we are to solve this problem. We think therefore that every individual, every organization in the Country, has some role to play in the development of positive attitudes towards the position of the official languages in our Country.

We must recognize that events in one jurisdiction can have an influence on another jurisdiction many miles away. In this respect, no one Province is an island that can act solely on its own, because whatever it does is going to be reflected in attitudes taken by people in other parts of Canada.

I think that we must bear these considerations in mind as we develop whatever policies we do develop, as governments, in dealing with linguistic policies in the Country. I do not think that we should allow our perspective to become distorted by individual events that may occur. I think we should strive to eliminate the causes of misunderstandings if they do occur, although we must realize it is a very long-term problem indeed and one that will not be solved overnight.

It has been mentioned here that there are problems in finding people skilled in both languages to do the things one may want to do, in either providing the services in both languages at the government level or providing the form of education we might wish. We cannot solve this problem quickly. But I think we can continue from where we were a year ago and move forward from there. I think we must recognize that the things we do are basically just and proper. We also should move forward with the knowledge that those who look at what we do recognize that it is the just and proper approach.

We consider the work being done by the Sub-Committee on the Official Languages to be very important. We are

very pleased with the exchange of ideas and technical information which we have received from many other Provinces in the course of the work of the Sub-Committee. We believe that the course of action proposed by the Sub-Committee is probably as good a way as any of dealing with the problem, and we want the work of the Sub-Committee to continue.

Perhaps I should outline to you Ontario's approach to the question of Canada's official languages. The three propositions we have submitted to the Continuing Committee set out clearly the principles upon which the position of the Province is based. We have implemented these principles. We think that through the legislative process of each government we can probably ensure the most effective protection of linguistic rights. Our belief in the local, legislative process, which we are using in our own Province, leads us to the position where we do not view with any particular concern the Federal Government's present course of action on its Official Languages Bill. To us, this Bill is the Federal Government's means of implementing and meeting its responsibilities in this area of its jurisdiction, and we accept this position. We have no objection to the contents of the Bill. I said this in our Legislature a week or so ago.

We are not, however, necessarily opposed to having its constitutionality tested in the Supreme Court of Canada. If there is a question of constitutionality, we take the position that this impediment should be removed. We would suggest that we might ask their Honours to deal with it very quickly, which I think they could; perhaps a little more quickly than they deal with the normal pieces of legislation that go to the Supreme Court of Canada.

We would not institute such a review of the legislation because - I agree with Mr. Robichaud - the opinion that I have received is that it is legal. However, if there is doubt we think this should be resolved. But we also think it should be resolved rapidly and should not be allowed to delay unduly the implementation of the Bill.

Now regardless of the decision, although we are quite certain the Court will find it is constitutional, we think what is really necessary is that the Bill and the concept behind it should have the support of the people of Canada. As I have said, we can write the law down on paper. But if we, as a people, do not agree with it, it is not really going to be terribly effective. Unless the Bill is supported, it will lose much of its effectiveness. We accept

it as something the Federal Government is doing to discharge its responsibility in this area and we will therefore support it.

We would like to hear today a discussion of this Bill. I am putting our position very frankly, and if there are other positions I suppose this is the place we should hear what they are.

We think it is not the letter of the law that is important in this regard. It is really the application and the way people feel about it.

I do not propose to recite in great detail the steps which we have taken to provide bilingual services and to discharge the positions that we took last year, except to say that we did make certain commitments to this Conference in regard to language rights last year. I would like to give you at least a brief report of what we have done to carry out our undertakings.

We took some quite large steps in the field of French-language education. I reported to this Conference a year ago that we had appointed a committee to examine the whole question of French-language schools in Ontario. We introduced legislation last year to put the provision of French-language elementary and secondary education in Ontario on a statutory basis. That legislation was approved on the 3rd day of July, 1968 and I think it is fair to say that in a way unmatched by any jurisdiction in Canada, it provides statutory guarantees for the use of English and French as languages of instruction throughout our public school system. We are proud that we have been able to do this.

We have read the recommendations in the second volume of the Report of the Royal Commission on Bilingualism and Biculturalism and we think that we have met the spirit and intent of those recommendations. We think that we have done what is necessary to discharge our responsibilities and, frankly, we do not think we need to go any further than we have gone in this regard. There are some proposals which still need some clarification and evaluation. But this will come in due course.

I would like to give some attention to the question of minority language education, French or English, as the case may be. This concerns all of us who are seated here today. In our proposition on minority language education,

we put forward the view that Canadian parents should be able, wherever feasible, to have their children educated in either the English or the French language. We are convinced this guiding principle should not be held in dispute by any government or indeed by any Canadian. We think that this is fundamental and that our legislation of last July meets this principle in a clear and realistic fashion.

On page 141 of the second volume of the Royal Commission on Bilingualism and Biculturalism certain objectives were mentioned. I will quote from that report:

"The chief objective is to provide equal opportunity for both official-language groups to maintain and enjoy their language and their cultural heritage. At the same time, the education provided by these schools should ensure an adequate knowledge of the majority language and culture, with academic standards and educational opportunities equivalent to those of the majority-language schools in the same Province."

We have subscribed to this objective and we are taking the necessary supporting measures to ensure that that objective will be met. We do not really think that French-speaking Ontarians can live in our Province without knowing English as well, and we will ensure that the young people who are educated in French are also able to speak and work in English.

We will have a final report from the committee studying the subject (I think it will be along later this month) dealing with a variety of matters. We have asked for advice on such things as curriculum, personnel and administration in French-language education in our Province.

Unfortunately, Prime Minister, I said this morning I would not mention money again today so I am going to ask the Minister of Education to take over.

HONOURABLE W.G. DAVIS: Prime Minister and gentlemen: I shall be brief. My Prime Minister suggested I might mention the economic aspect of our French-language instruction programme, just to give the gentlemen here some indication of the extent of the programme and the cost.

A lot of people today, particularly the youth, refer to changes in some instances as "tokenism." Gentlemen and Prime Minister, I want to indicate that this is not an experiment, not a pilot project. We are talking about many thousands of young people in the school system in the Province of Ontario. In September, 1967, there were in Ontario over 94,000 French-speaking pupils attending bilingual elementary schools. In our Province we have two bilingual universities where the Government provides certain additional funds to allow the lectures to take place in the French language and to extend the curriculum so that it meets the educational needs at these post-secondary institutions.

We have also developed in the Province two bilingual teachers' colleges, to assist in the preparation and to increase the flow of elementary school teachers into the bilingual schools.

We have had some discussion, Prime Minister - perhaps you have been aware of them - in this city in particular, dealing with the establishment of a College of Education in conjunction with the University of Ottawa. Once again the provision of teaching personnel is the key to any educational programme and this, too, is an expanding part of our operation here at the present time.

The Prime Minister of Ontario referred to the very significant day of last July when legislation was proclaimed in our Province. It not only provided for the permissive establishment of bilingual or French-language instruction in the public school system, but it also made it mandatory where the numbers of French-speaking students, both economically and educationally, would permit. This is one of the very interesting aspects of this legislation: there is no question of permissiveness, the public school board will provide school facilities and programmes in the French language. We hope that where the numbers of students justify it, this will lead to a programme that is comparable to the English-speaking system, where we can have a complete range of subjects in what we call the composite school approach.

This will not be possible, Prime Minister and gentlemen, in every part of the Province of Ontario because the numbers of French-speaking students would not justify this type of facility. But we know it will work in a number of districts within our Province.

I think it is also relevant to indicate briefly another philosophical base of our approach. We have tried to involve the French-speaking community, not as trustees, because in a lot of areas the trustees will be basically English-speaking people. We have taken a slightly different approach and we have established what we call advisory committees which are actually elected by the French-speaking ratepayers within the communities concerned.

Each committee is composed of four French-speaking people plus three representatives from the Board of Education who form the French-language advisory committee. This gives them an opportunity to involve the whole French community in the development of the school programme.

I think it is important to point out, Prime Minister, as my own Prime Minister indicated, that it is really people's attitudes that are relevant. Even prior to the introduction of the legislation which took effect on the first of January, 1969, a number of communities in the Province of Ontario moved ahead of the legislation. I think they knew it was coming. But nonetheless they moved ahead with it and provided French-language instruction in the high schools within their communities prior to the actual legal date of the legislation itself.

This means, Prime Minister and gentlemen, that there are over 20,000 students at the secondary school level who are now receiving basic instruction in the French language. Some have moved, I might say, from private schools into the public school system of Ontario.

But we have also made one thing abundantly clear: we are making sure that English will be an obligatory subject on the curriculum, because many of these young people will, in the final analysis, be pursuing their profession or their vocation, in an English-speaking environment. We think it is our obligation to see that these young people have a working knowledge of the English language as well.

My Prime Minister indicated, Sir, that I might touch on finances for a moment. There is no question that the introduction of this programme adds to the dimensions of the educational costs in the Province of Ontario. In the initial stages, the operating costs of our new high schools will be in excess of those in the English-speaking public school system. However, I believe that over a period of years this will stabilize itself and will eventually be comparable in cost, after perhaps four or five

years, to the English-speaking system. But there will be that four- or five-year period.

We also face, Sir, certain major capital expenditures that we will need over a period of time. I really have not discussed this point with my Prime Minister, but if you are concerned about shared-cost programmes I have a very simple solution for you. That would be, Sir, that you would provide 100 per cent of the capital cost of these programmes. In this way there would be no shared cost. It would be entirely yours and then the subject would become a relatively academic one.

THE RIGHT HONOURABLE P.E. TRUDEAU: And that would be a valid use of the spending...

HONOURABLE W.G. DAVIS: I cannot speak for the Treasurer. That is the extent of the programme in our Province, Prime Minister and gentlemen. There are some economic implications. I was very encouraged to hear once again the reference to the fact that the Federal Government recognized this, as was stated in the B and B Report, and that we can anticipate some economic consideration for the programme that has been undertaken by Ontario.

HONOURABLE J.R. SMALLWOOD: Prime Minister, I wonder if it would be asking too much to ask you to ask your Minister of Justice if he would satisfy perhaps a million or perhaps two million people, Canadians from coast to coast, who are probably looking in and listening in at this moment, not with a second reading speech but with a broad description of this Bill that we are discussing?

You yourself this morning told us several things that were not in the Bill. But really there has been no description that I know of to the general public of Canada as to what the Bill is.

Is it one that will require everybody in Newfoundland - because if it is I am out of luck - to learn French and speak it and read it and write it fluently? Does it require all Canadians to start now to learn French? Does it require all French-speaking Canadians to begin now learning English? What is this Bill all about? Broadly what is it?

THE RIGHT HONOURABLE P.E. TRUDEAU: I think the Minister of Justice of Canada would be happy to briefly answer your question.

HONOURABLE J.R. SMALLWOOD: His answers are always very good; almost as good as yours.

HONOURABLE J.N. TURNER: I would be glad to describe the Bill in general terms, and despite the caveat of the Premier of Newfoundland, I would like to say something about its constitutionality at this time as we see it.

I want to say, first of all, I appreciate very much the courtesy shown to me on a jet trip across the Country by the Premiers and by their Attorneys-General, where we discussed this Bill and where we discussed the Federal programme generally on the Constitution and on languages.

Basically, in answer to Premier Smallwood's question, the Bill provides that within the Federal institutions of Canada - that is to say the Public Service, the Government of Canada, the Federal Courts, Federal Administration Boards where these boards operate in Federal bilingual districts which would include the capital of Canada and which would include certain bilingual districts across Canada - where there was a 10 per cent minority of one of the two official languages, which, as the Prime Minister pointed out...

HONOURABLE J.R. SMALLWOOD: Ten or more.

HONOURABLE J.N. TURNER: ...would affect parts of Ontario, parts of New Brunswick, parts of the Province of Quebec, parts of Manitoba and Saskatchewan; maybe one district in Alberta; parts of Nova Scotia. But the Bill in no way renders the use of the language compulsory by the people of Canada.

It means that the people of Canada will have access in certain parts of the Country through their government in the language of their choice.

I suggested to the Western Premiers particularly on my visit to Western Canada, that really the effect on their Provinces and the people of those Provinces would, for a good deal of time, be minimal. This is not a Bill to force compulsory bilingualism on the citizens of Canada. This is a Bill enabling the citizens of Canada where they are found in sufficient numbers to approach the facilities of the Federal Government in either the French or English language.

HONOURABLE J.R. SMALLWOOD: How would it work in Newfoundland? In Newfoundland you have a number of Federal agencies and departments and courts. How would it work there?

HONOURABLE J.N. TURNER: Well, in Newfoundland there would be, according to our statistics, no Federal bilingual districts because you have an insufficient number of French-speaking Canadians in Newfoundland.

Admittedly under Section 11, particularly Section 11, subsection (3), there might be an opportunity for a French-speaking citizen to ask that his evidence be taken in French and he probably already would have that right.

HONOURABLE J.R. SMALLWOOD: We have done that in Newfoundland for at least fifty years. Chinese, French, any foreign language. The man comes in court and doesn't speak English, there is a translator there. You cannot do less than that, can you?

HONOURABLE J.N. TURNER: That is right. He has already. Subject to the discretion of the Judge he would now be guaranteed that right. Under subsection (3) of Section 11 an accused at a criminal trial would have the right to ask the Judge to have that trial conducted in his language, but subject to being at the discretion of the Judge who, looking at all other circumstances of the case (the language of the jury and the prosecutor, the Judge himself, the court stenographer and the facilities of the Court) would decide it was practical to give and grant that man justice where he would get a fair trial in his own language. And obviously if the Judge were to decide the man could not have a fair trial, justice in his case is more important than the importance of having a trial in his own language. We must ensure that justice be done. And that means that all circumstances of the case would have to be looked into.

HONOURABLE J.R. SMALLWOOD: How would it work in Quebec?

HONOURABLE J.N. TURNER: Well, I was very interested to hear the comment of the Prime Minister of Quebec.

(TRANSLATION)

I have been, like him, a member of the Quebec Bar for a number of years. I am gratified to note his approval

in principle of our Bill.

(ENGLISH)

HONOURABLE J.R. SMALLWOOD: Mr. Prime Minister, is that good French he just spoke?

(TRANSLATION)

HONOURABLE J.J. BERTRAND: Very good. Indeed, Mr. Turner is one of the eminent members of the Quebec Bar. When lawyers meet, they like saying pleasant things to one another.

I believe he was recently admitted to the Ontario Bar also.

HONOURABLE J.N. TURNER: The Ontario Bar and the Barbados Bar.

HONOURABLE J.J. BERTRAND: The Barbados Bar. Well! We have here an almost universal lawyer.

(ENGLISH)

He would be a good counsel for the Prime Minister of Newfoundland.

HONOURABLE J.R. SMALLWOOD: I will remember that.

HONOURABLE J.N. TURNER: But the Prime Minister of Quebec said that the Province is in favour of the principle of the Bill, but that they were concerned with what he called modalities; some of the terms, some of the details of the Bill. He was concerned about the effect of setting up a Federal bilingual district in the Province.

Well, we in the Government of Canada are behind the Bill strongly in principle and intend to defend it, both in the Courts and in Parliament, on the principle.

We are anxious to have the opinion of the Provinces and anxious to consult with them and talk with them about the details, of the Bill, about individual sections, and in Western Canada I spoke with the Attorney-General of Saskatchewan and to the others.

I might say to Prime Minister Bertrand that I would think that Sections 12 and 15 and Section 38 of the Bill -

I won't go into them now - probably contemplate some type of prior consultation with the Provinces - not necessarily a condition precedent, but they certainly contemplate that type of consultation.

(TRANSLATION)

HONOURABLE J.J. BERTRAND: Would my colleague mind my interrupting him for just a moment. When he speaks of consultation, does he mean that there is a requirement for assent from the Provinces?

HONOURABLE J.N. TURNER: Following first reading of the Bill, introduced in the House by the Prime Minister last October, we sent copies of it to all the Premiers in Canada. I also sent the Bill to all the Attorneys-General in Canada, in order to obtain their agreement or ideas on the modalities of the Bill.

HONOURABLE J.J. BERTRAND: But we should not forget that at the same time we had set up, within the Constitutional Conference, a Sub-Committee on Official Languages. As far as I am concerned, I may say that I have made myself aware of the contents of their report. In that report the Quebec representatives expressed reservations such as those I have myself expressed with regard to bilingual districts. We are speaking of consultations. The Bill was given first reading. Does this mean that it will soon come up for second reading or that it will be referred to a Committee of the Federal House?

HONOURABLE J.N. TURNER: It will be done in both ways. First of all, under the new rules of the House, the Bill, at the second reading stage, will be referred to the Standing Committee on Justice and Legal Affairs. This will provide an opportunity for all Provinces, should they so desire, to appear before the Committee.

But beyond that, I feel it might be a good idea to consult with the Attorneys-General of every Province on the details of the Bill. We could discuss with them the actual provisions, terms or modalities of the Bill. I am ready to proceed in this way.

This would not prejudice the actual processing of the Bill through Parliament. As the Prime Minister has indicated, we are already bound, in principle, to have this done.

(ENGLISH)

Now, as to the constitutionality, I would like to say - and it is the opinion of our law officers - that the Bill is perfectly within the competence of the Parliament of Canada; that it does not unilaterally amend the Constitution; that it deals only with those aspects of language within Federal jurisdiction on which it is competent to legislate. Language is in no way circumscribed, but Section 133 of the British North America Act sets out merely four categories where the use of English and French must be used, but beyond that it is not mandatory, merely permissive.

And if we were to argue that Section 133 were to limit the Federal Government in legislating either the use of the French or English language, then it would prevent us legislating in the English language as well as the French language.

Premier, when I was talking to the Judges of Ontario, Chief Justice Gale - as a matter of fact Mr. Wishart was there - I was asked whether as Attorney-General I would exercise my right to appear in the Courts on behalf of the Government of Canada. It has not been done for 40, 50 years. And I said, "Well, I will think about that. There would be two conditions attached to any appearance by the Attorney-General. One of them, it would have to be a case that was important enough for the people of Canada; and, secondly, it has to be a case we can win." And I think this Official Languages Bill satisfies both these prerequisites.

I think it is important for the people of Canada, and I believe that we are on solid ground if we proceed with it.

I want to say too Mr. Prime Minister that I would be anxious to talk to the Attorneys-General about the sections of the Bill without prejudice to our right to proceed, because we believe that it is within our competence.

The Bill was carefully drafted in a sense that we contemplated that it would cause some technical difficulties, particularly with respect to the Courts. But there are terms in it: "Significant demand", where there is a significant demand for the service. I mention Section 11 (3), leaving it to the discretion of the Judge. And

the government certainly realizes the difficulties of implementing some of the parts of this Bill.

There may be technical difficulties, the difficulties of finding translators, interpreters and stenographers.

We understand, Mr. Davis, some of the financial implications in terms of education in the Provinces that is really a prerequisite to a more bilingual Country. We also recognize quite a good many of the problems in Western Canada and in the Atlantic Provinces.

We also recognize the effect of Section 10 upon the Public Service of Canada and the worries some of you gentlemen have about recruitment in the Public Service, and I would want to be assured that nothing in this Bill would militate against or would prevent the recruitment of young men and women from Western Canada or from the Atlantic Provinces into the Public Service of Canada.

It is a progressive policy. It contemplates a willingness to learn.

HONOURABLE W.A.C. BENNETT: Would that apply to promotions as well?

HONOURABLE J.N. TURNER: It would apply to promotions as well, but it contemplates a willingness to learn - to have an opportunity to learn.

HONOURABLE W.A.C. BENNETT: At public expense?

HONOURABLE J.N. TURNER: At public expense. But there is no bar so far as this government is concerned, in any way wishing to limit the national recruitment into the Public Service.

HONOURABLE W.A.C. BENNETT: No, no - but there would be no bar on promotion just because they did not have the two languages?

HONOURABLE J.N. TURNER: Well, no bar - no bar if that particular Canadian when he got to a stage in the Public Service in those parts of Canada where it was necessary, if he displayed a willingness to learn, and was given an opportunity...

HONOURABLE W.A.C. BENNETT: But then if he chose to stay in an area such as British Columbia, which is 99.99 per

cent English-speaking, he could get the top promotions there on an equal basis to balance out.

HONOURABLE J.N. TURNER: He could get the top promotions in British Columbia. And competence is still the prior element in appointment and promotion in the Public Service.

HONOURABLE J.R. SMALLWOOD: Knowing French would not necessarily represent competence.

HONOURABLE J.N. TURNER: It is an additional fact, but without the initial competence...

HONOURABLE J.R. SMALLWOOD: May I ask this? If a man is arrested, or if for any reason he finds himself in court and he is in a Province where there are very few French, as in Newfoundland, less than one per cent, but he wants to be tried in French, we have not got French-speaking judges, stenographers, interpreters, and the like. Would it be practicable for the Government of Canada or some other agency in Canada to maintain a pool, a pool of bilingual Judges and the like who could be invited into a Province to deal with a matter requiring bilingual proficiency? Could that be done?

A Province that has very few French-speaking people could hardly be expected to maintain the machinery - you know, a bilingual machinery of justice. It is too expensive.

HONOURABLE J.N. TURNER: We understand that.

HONOURABLE J.R. SMALLWOOD: Could you have a pool to draw on?

HONOURABLE J.N. TURNER: Within the Federal Courts, the Exchequer Court on circuit, it is something we could contemplate. But in a provincial court it would call on the jurisdiction of your Attorney-General, Mr. Smallwood.

And here again referring to the language of Section 11, subsection (3) the words are:

"If it appears to the Court that the proceedings can effectively be conducted and the evidence can effectively be given and taken wholly or mainly in one of the official languages...."

Now, it is obvious, Premier Smallwood, that where you have a jury in Newfoundland all English-speaking and a Judge English-speaking...

HONOURABLE J.R. SMALLWOOD: We have no French.

HONOURABLE J.N. TURNER: The Judge would in his discretion have to say: "This trial cannot effectively be held in the French language."

Mr. Prime Minister, I think I shall limit my intervention to this at the moment.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Turner.

HONOURABLE D.G. STEUART: Attorney-General Heald will present the case for Saskatchewan.

THE RIGHT HONOURABLE P.E. TRUDEAU: Mr. Heald?

HONOURABLE D.V. HEALD: Thank you. Mr. Prime Minister, ladies and gentlemen, I welcome the opportunity to try to interpret the position of Saskatchewan so far as official languages are concerned.

We did submit a proposition to the Continuing Committee of Officials which said:

" The linguistic rights provided in the B.N.A. Act shall continue to be guaranteed as at present. The matter of education in French or English and the use thereof shall remain with the Province, so that the Province may proceed with the development of bilingual programmes, as is being done in most Provinces."

This sets forth, Mr. Prime Minister, our position in the matter of the use of the French language.

In our opening statement read by Mr. Steuart yesterday we tried to make it clear that Saskatchewan supports the development of bilingualism in Canada. However, we believe that bilingualism can best be achieved through the educational process. And, as he indicated, our legislation now permits French to be used as a language of instruction in areas where such a programme is requested and is economically feasible.

The Regina campus of our university has established a bilingual college in their programmes. Dr. Spinks tells me that the degree courses are offered in both French and English. English students must have 30 per cent of their courses in French. French-speaking students must have 30 per cent of their courses in English.

The teaching of French has also been extended to elementary schools wherever possible, with special attention being paid to conversational French.

Such programmes will be extended in our Province as finances and the availability of teachers permit.

However, as stated in our proposition, we do oppose any constitutional change with respect to the use of French in Canada.

We also have many concerns about the Official Languages Bill, as I have indicated to the Minister of Justice and to you, Sir. It seems to us that the Bill, this Official Languages Bill now before Parliament, is attempting to impose bilingualism on those now in the work force of this Country instead of increasing the use of French by providing for assistance to the Provinces for the purpose of promoting the bilingual education of the children that are now in our schools.

As I have said, we fully support this development of bilingualism because of the practical value of Canadians becoming bilingual so that they will feel at home anywhere in Canada, as has been indicated.

We feel that this will unite Canada if it is carried out by the educational process, whereas legislation, this kind of Bill making both languages official for all federal purposes, we fear will divide rather than unite the Country.

We fear that the provisions contained in this Bill could result in bilingualism becoming a requirement first of all for promotion in the Armed Forces, in the RCMP, and we welcome the assurance of the Minister of Justice this is not the case. But we are still concerned about it. We are concerned about bilingualism becoming a requirement for appointment and promotion in the Federal Civil Service and all Crown Corporations, such as Air Canada and the CNR.

We are also concerned about Section 10 (getting a little more specific in the Bill) - bilingualism becoming a requirement for employment in airport restaurants, news stands, airport taxi services, and so on. We are quite concerned about Section 10. That is one of the sections we would like to talk to you about more.

As we said before, and as Premier Thatcher said last year, only 6 per cent of our population is of French language origin, while we have 9 per cent German descent, 7 per cent Ukranian and several others that are about the same size in number as French. To make a working knowledge of both French and English a requirement for employment discriminates against the great majority of Western Canadians who have had no opportunity to become bilingual.

We feel this would not, as I said, have the desired effect of binding our Nation closer together but would end in disunity and friction so our concerns about this Bill, Mr. Prime Minister, are not completely legalistic at all. We have these other concerns and we are afraid of the friction that will or could be caused by the Bill when all the ramifications are known to everybody and the members of the public.

I want to say something about the legality and I say I do so with deference to the most distinguished Premier of New Brunswick in his legal opinion and to you, Sir, (Honourable John Turner) in which you stated this is the kind of case you would like to take to the Supreme Court.

Our advisers give us a different view about certain portions of the Bill. We think you have to look at this Act, the B.N.A. Act, and Section 133 in the light of the historical background.

The facts are that English was the language of Ontario, Nova Scotia and New Brunswick and the working language of the Federal Government was intended to be and has been English, while French was the working language of the Government of Quebec.

I suggest to you it was never intended that French was to have a wider use outside Quebec. If it had been intended that both French and English were to have equal status in the civil service and elsewhere, it would have been very easy to say so in the first instance.

The original Act, the 1867 Act, is silent on the question and of course was itself in English showing that the languages at that time anyway were not to be equal in Canada.

I think this is made even more clear by the 1949 amendment to the B.N.A. Act when provision was made for the Federal Parliament to amend the Canadian Constitution with the exceptions there set out except as regards the use of the English or French language.

Now, I submit, Mr. Prime Minister, that if it were intended to merely prevent any variation of Section 133, it would have been more reasonable to have provided that Section 133 could not be varied.

Now, I am not going to get into a general argument on the constitutionality. I think everybody is familiar with the two sides. As to the constitutionality of the Bill, generally there is the position which Mr. Thorson has put forward and there is the Federal Government position and probably the Courts are the place to decide this, but I would like to express to you our concern about a couple of the sections of the Bill because we think they become involved in the Constitution, maintenance and organization of the Courts, which is a provincial responsibility under the B.N.A. Act.

We think that subsection (1) and (3) of Section 11, and subsection (5) of Section 11, insofar as it relates to (1) and (3) are beyond your jurisdiction, Sir, because we believe that they provide for matters involving the Constitution, maintenance and organization of the Courts. We do not think they are matters of procedure.

Could we look at subsection (1) for a minute? Subsection (1), in my opinion, seems to require that any judge asked by a counsel or an accused, or a witness, to be allowed to speak in French would, if not completely bilingual, have to arrange for a bilingual judge to hear the case, as otherwise, I suppose, it may be claimed that a person wishing to use French is under a disadvantage because he is not heard in the sense of being understood in French, if an interpreter is used.

Now, if this subsection merely means an interpreter is to be used then say so. It means a lot more than that. The use of interpreters, as Premier Smallwood has stated, is in general use all across the Country. I think this is a part of the organization of the Courts.

The suggestion was made (I think in the Committee; one of the committees) that a bilingual person could choose to give evidence in French even though completely bilingual and that a Court could now require him at the present time to speak in English. In our opinion this section goes much further, particularly when you read it with subsection (5), which provides for the power to make rules. We think it goes further because it would not be necessary if subsection (1) merely meant that a person could elect to speak French and have what he said translated by an interpreter. From what you said today, I think you intend it to go further, and accordingly we do think it is an invasion of provincial responsibilities.

Subsection (3) of Section 11 we think is not a provision dealing with criminal procedure because we think it relates directly to the Constitution, maintenance and organization of the Courts. I think that subsection (1) clearly suggests that our Courts in Saskatchewan be bilingual whereas our Courts are now all English-speaking. I think when you read subsection (3) with subsection (1) the intent becomes quite clear. The Courts are to become bilingual Courts which we think goes to the Constitution, maintenance and organization of all our Courts, and that is a provincial matter.

In our opinion, Sections 19 to 34, particularly Sections 25 and 26, which provide for a Commission to enforce the equality of French in our federal institutions is ultra vires for the same reason that we think Section 2 may be ultra vires.

The whole purpose seems to be to require all employees to be bilingual as otherwise they cannot carry on their work as a bilingual, French-speaking employee can refuse to speak anything but French and he can make all his reports in French, even if he is discussing a letter or a statute that is in English.

We think it means that English-speaking employees must be able to understand fully anything said to them in French even though he in turn has the right to answer in English. We submit that this is ultra vires again as being intended to require anyone wishing to take part in the business of government to be French.

Now, you have stated, I think, in the federal position, that you are not amending the Constitution. You are not amending Section 133 or you are not changing anything

dealt with in Section 133, and therefore you can, you feel, deal with the use of English and French language in every respect in the federal field.

This argument, we submit respectfully, ignores the 1949 amendment to Item 1 of Section 91 entirely.

If this is a valid argument, Sir, we think that the use of English by the civil service could be prohibited except insofar as Section 133 may require some to use it. We think the effect of the Bill is to require all Federal Civil Servants in Ottawa, and many elsewhere, to become bilingual unless their employment does not require them to communicate with any French-speaking employees or other French-speaking persons.

These are in a general way, and partly in a specific way, our concerns with some sections of the Bill. We would welcome further consultation with the Minister of Justice and the Attorney-General. I think this is a good suggestion. We have many concerns about the Bill. We think that you are into provincial jurisdiction in certain specific sections and we really believe that the place to talk about this in a detailed way is at a meeting between the Minister of Justice and the Attorneys-General. We would welcome that meeting, and as the Honourable Mr. Turner said, he would attend that meeting without prejudice, and I think perhaps the Attorneys-General would do likewise.

Now, Mr. Prime Minister, before we finish our presentation on this Bill, I would like to introduce to you my colleague the Minister of Labour for the Province of Saskatchewan, who is going to finish our presentation en français. Mr. Coderre.

(TRANSLATION)

HONOURABLE MR. CODERRE: Mr. Prime Minister, Heads of Provincial Delegations, my dear colleagues - my dear colleagues of Quebec more particularly. I assure you that I had the Larousse Dictionary at my side when I began drafting this speech. I am happy at this time, in my capacity as a member of the Government of Saskatchewan and as a member of the Western Canadian Community, to address a few words in French to you to supplement what Mr. Heald has just been saying. I would like to make particular reference to the position taken by the Government of Saskatchewan in respect of Bill C-120 on Official Languages. These remarks of mine express a common feeling on this matter by

the provincial authorities of Saskatchewan on the one hand, and, on the other, of the French-Canadian cultural associations of our Province, of which I am myself a member. At the outset, I should say that in spite of the impression which might have been broadcasted throughout the Country by the joint statement of the three Prairie Premiers, the Saskatchewan Government is not opposed to Bill C-120 as such.

We recognize that this Bill is designed to correct a situation which has done a great deal to endanger national unity. The Saskatchewan Government's position vis-à-vis this Bill, however, does reflect the fears of the people of our Province with regard to a possibly overly rigid and literal application of the Bill in its present form.

I would like to call your attention, more particularly, on the following points:

First, absolute bilingualism in Saskatchewan would not be a very practical proposition, it might even in our Province become discriminatory as it could in the Province of Quebec.

We could hardly require, for example, that all federal employees, all employees of federal Crown Corporations, all judges or magistrates be bilingual, nor that they not be bilingual at all.

We do feel though that all government offices, at all levels, should provide for the services of one or several bilingual employees especially in those towns or communities where there is a great number of French-Canadians. And of course, this should be done gradually according to the availability of bilingual staff.

Secondly, we believe that if there are still constitutional impediments to the adoption of Bill C-120, the attitude of the government of the Province is such that it would support the constitutional amendments required to overcome these obstacles.

Third, French-Canadians in our Province deplore the attitude of certain parts of the French-speaking press in Eastern Canada who have been underestimating and criticizing the efforts made by the Government of Saskatchewan in order to promote the teaching of French in those schools with French-speaking pupils.

This teaching in both languages in Saskatchewan, as indeed in the Province of Quebec, entails certain extra expenses, especially during the first years that it will be provided. We do feel, therefore, that the Federal Government, in line with its policy of promoting bilingualism everywhere in this Country, should promote bilingual teaching through grants, as is the case in our universities or in that of a bilingual college which is presently being set up.

Personally, I am not opposed, nor is the Government of Saskatchewan, to the principle of the Bill which requires bilingualism to be made mandatory in all those places where it is necessary and practical, as has always been the case in Quebec. I simply wanted to indicate to you the dangers involved in certain aspects of the Bill.

In conclusion may I add that even in Saskatchewan it is already possible to obtain bilingual services in a number of offices, both provincial and federal. Last week, for example, I had to call the information service from our telephone department to ask for the telephone number of the A.C.F.C., which is the Provincial French-Canadian Association. The operator answered courteously and in excellent French. This, of course, is still an unusual case but I have no doubt that the situation will improve gradually.

I believe that through education and education only will it be possible for us to reach our objectives.

We have social groups such as the Association Culturelle Franco-canadienne de la Saskatchewan which has set up a French class in Regina for young people. Ninety-seven people have already enrolled, of whom twelve only speak French or have French as mother tongue.

In Saskatchewan, as was stated a moment ago by Mr. Heald, we have set up completely bilingual schools. Gravelbourg is an example of the two we have set up so far and we will establish more.

I have already stated that we have opened a bilingual college at the University of Saskatchewan. We, members of the A.C.F.C., are proud of the progress achieved so far by the Government of Saskatchewan. We are not perhaps moving ahead as quickly as we would like, but it is nevertheless appreciable progress, and appreciable politically.

I believe there is a requirement for considerable Federal Government participation to ensure any further development along those lines.

(ENGLISH)

Prime Minister, Gentlemen, I thank you.

(TRANSLATION)

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Minister.

HONOURABLE J.J. BERTRAND: If I may I would like to put one question to Mr. Coderre, our fellow from Saskatchewan.

How many bilingual districts would you have in Saskatchewan under the present Bill?

HONOURABLE MR. CODERRE: One only. That is the district of Gravelbourg, which is part of the Assiniboine constituency.

HONOURABLE J.J. BERTRAND: And how many people would that involve?

HONOURABLE MR. CODERRE: I would not know about that. About 20 per cent, but fairly spread out.

THE RIGHT HONOURABLE P.E. TRUDEAU: Gravelbourg?

HONOURABLE MR. CODERRE: Gravelbourg, Willowbunch and Saint-Victor.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you. Mr. Prime Minister?

(ENGLISH)

HONOURABLE G.I. SMITH: I am not suggesting at all that the Commissioner has to accept without reservation our views but I think it might help the effectiveness of the Bill itself, what it is intended to achieve, if there could be close agreement on the boundaries of the districts. I think we would all agree very quickly on the general regulations as to where the district should be. I don't think there is any trouble about that. There is a possibility there might be some substantial difficulties in

establishing the actual boundaries.

The remark I made yesterday about the availability of personnel I am sure is very present in the mind of the Minister of Justice and of yourself, Mr. Prime Minister. We think that may be even more difficult perhaps than was first apparent because it will take quite a number of people if we in the Province are to try and go along in provincial affairs as you are in the federal field.

Reverting for a moment to language rights generally, as some other speakers in this discussion have, I think I outlined yesterday what it is we have done and what we are trying to do. I omitted one thing which I think is of some importance. We now have a commission of very well-qualified, bilingual educators from outside Nova Scotia considering what we may best do in the higher level of education in the French language. Perhaps I should more accurately say in bilingualism. I am sure the names of these gentlemen would be recognized at once as authorities in the field and they are bilingual.

With reference to the teaching of French our general stand, as I stated yesterday, is that we believe that the French language in Nova Scotia ought to be treated in the same way and with the same regard as English is in the Province of Quebec. I am following that by saying that we know there are quite a few things we have to do.

We have discussed with some of the Federal authorities an experiment or pilot project in each of the four districts in Nova Scotia where it is likely bilingual districts may be established to try and ascertain how it can be done and what the cost would be of providing instruction in French in the elementary and high schools. I am not suggesting that the project envisages in this particular aspect the cost of serving all the students in the bilingual district but rather envisages taking one portion of each bilingual district and serving it as best can be done in the school where the teaching would be.

As I mentioned, we find for those four schools the additional cost in the first year would be a million-and-three-quarter dollars and thereafter would be likely between seven hundred and fifty and eight hundred thousand dollars. This would be for serving, of course, only a portion of the total students who would be likely to wish to take advantage of this kind of instruction if it were available.

As I said yesterday, we think that the additional costs involved in promoting bilingualism through the Nation is a national obligation and these costs, additional costs, ought to be borne by the Nation as a whole through the Federal Government.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you.
Mr. Campbell.

HONOURABLE A.B. CAMPBELL: To complete the roll call, let me simply reaffirm the position of the Province of Prince Edward Island which is summarized in my third sentence to the first Constitutional Conference, and reads:

"Speaking for my Province I wholeheartedly endorse the Federal proposals. That is, with respect to the bilingual and bicultural report I pledge my support to their speedy implementation."

I simply want to explain our attitude to the Official Languages Bill presently before the Parliament of Canada.

HONOURABLE H.E. STROM: Mr. Prime Minister, could I have the Attorney-General say a word, please? Mr. Gerhart.

HONOURABLE E.H. GERHART: Mr. Prime Minister, I do not wish to weary the Conference further with a lot of legal discussion. However, I would like to make a couple of small points. If Bill C-120 will have none of the undesirable effects outlined by the Attorney-General for Saskatchewan, of course this Bill will not affect Alberta in any way. But if it is different than the situation today in our proposed bilingual district, and if that change pertains only to the services that are presently within the Federal competence, then such a programme could be implemented as a matter of policy without the necessity of such an Act.

On the other hand, if it would have any of the effects outlined by the Attorney-General for Saskatchewan then that would be a situation different than presently exists in Saskatchewan and Alberta; in our view it would be a unilateral amendment of the existing Constitution and therefore would be challengeable and the fact that several different points of view have been put forward on legal consultation from several Provinces on this matter and in spite of the airtight case the Minister of Justice feels he has, we feel this alone justifies such reference

of the Bill to the Court.

We would welcome a meeting with the Minister of Justice and the Attorneys-General to thrash out just precisely at least what the Minister of Justice thinks the Bill means.

HONOURABLE J.R. SMALLWOOD: In case there is some misunderstanding I hope it is understood that like Premier Campbell and Premier Smith here we thoroughly and absolutely are in favour of this. If you want a speech I will make one!

THE RIGHT HONOURABLE P.E. TRUDEAU: On the next item!

HONOURABLE W. WEIR: I would not repeat what has been said before, but we believe the situation like this would be better with reference to the Court before rather than after and extension of language rights and privileges will be more successful than legislative action. In some areas it is fairly well laid out. I don't think probably I need to repeat it again today.

HONOURABLE L.R. PETERSON: Prime Minister, perhaps before we leave the subject of the desirability of the Attorneys-General meeting with the Minister of Justice on this Bill, I think this would be preferable to having the matter go before the Courts to determine. Perhaps after such a meeting if the Government remains firm and does not agree to amend the Bill then you can consider the other alternative of having the matter go before the Courts. I think we should first explore the possibility of resolving the differences that appear to exist among us in respect to this Bill. Certainly from British Columbia's point of view I think our position has been stated in our opening brief and I don't want to repeat it except I think it is gratifying, certainly to myself and I would think to all Canadians, the extent to which the Provinces from one end of Canada to another have gone in the last year to encourage the development of the culture and language of both French- and English-speaking Canadians.

Encouragement is one thing and compulsion, Mr. Prime Minister, is another. I think this is where some of us part company in this respect because certainly there is no argument as far as we are concerned that the Federal Government must serve all Canadians and those who use the French language and those who use English and others but whether it

is necessary to do it by compulsion, by legislation, and whether indeed you are not going much beyond in the terms of this Bill I think is perhaps the point in question.

Certainly with reference to the authority given to the Courts, which is of importance as far as the provincial administration of these Courts in the Province of British Columbia is concerned, and other aspects of the Bill, I would hope we could agree to have this meeting before we suddenly throw the Bill before the Courts to determine its constitutional validity.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Peterson. I think we might try to draw all the threads together of the discussion on this item. It appears that there are two distinct discussions: one on the Federal Government's Language Bill and the other on the general policy of this Conference on the question of constitutional reform or entrenchment; whether there should be one or not on the whole language question in Canada.

To deal with the first, I think we would be prepared to accept Mr. Peterson's suggestion, and one that was also made, I believe, by other Attorneys-General or Premiers. It would mean in essence consulting with the Attorneys-General of the Provinces who thought that the Bill had some ultra vires aspect of it and consult with them on those particular parts or sections which they thought to be ultra vires.

I take it the policy itself, although perhaps there is some disagreement on it, is up to us as elected representatives of the people of Canada to decide. Our policies might be right or wrong, but I understood from the discussion that a Federal Bill should not be discussed as to policy by provincial governments.

The constitutional aspect is an important one and we certainly would undertake two things: one is that before defining or applying the Bill to any district there would be consultation with the Province, as is suggested by the Bill, and as I suggested when I sent copies of it to the Premiers saying this entailed federal-provincial co-operation and we would not want to go ahead and decide the districts on our own. That would be the second step.

The first step would be to decide whether we could or could not under the Constitution decide such districts or draw them or should have more provisions in there.

Perhaps the best way of proceeding would be to have the officials of those Provinces who have doubts about the constitutionality to contact the officials of the Department of Justice in order to spell out with some detail those particular parts of the Bill judged ultra vires, and then the Minister of Justice would be prepared to meet either here in Ottawa or any part of Canada. This meeting between the Attorneys-General would take place as soon as you are ready and we hope it would be very soon because we would like to proceed and go on to the second reading at some point which discusses the principle of the Bill and therefore which would not serve to settle the issue of specific sections.

Then when we do go on to the Committee stage, hopefully by then the difficulty would have been resolved. If they are still in the process of discussion, we could suspend the date in Parliament on those particular sections.

Then if there is agreement, fine, and if there is not agreement, it would be up to us to decide either to proceed with the Bill and let the Provinces refer to the Courts, or, conversely, for us to refer to the Courts.

I can say now that our mind is not made up. Our preference is obviously to proceed with the Bill. It has been suspended a long while because of the delay in the Federal-Provincial Conference itself. But if we felt there were very strong arguments of many Provinces against it, we might want to reconsider. But it would not be our first inclination. If that would be agreeable, we would proceed in that way.

HONOURABLE W.A.C. BENNETT: Also a slight amendment to your Bill.

THE RIGHT HONOURABLE P.E. TRUDEAU: We would be prepared to accept considerations for amendment and improvement, and the Minister of Justice would then make it his duty to submit to Cabinet any amendments which he had agreed to with the Provinces, and we would have to amend them, to the Bill, and we would make it a government amendment. Perhaps the Minister of Justice would amend my Bill...

HONOURABLE W.A.C. BENNETT: At the Committee stage.

THE RIGHT HONOURABLE P.E. TRUDEAU: The other point - perhaps a more basic one, what do we do to the problem of

constitutional entrenchment or otherwise of language provisions? There has been no unanimity here. Far from it. I guess there has been no consensus either, but several Provinces have encouraged us to proceed or have indicated that they are willing to proceed and some others have indicated grave reservations. Rather than try to reach a conclusion here I think we might stop the debate and suggest that the Committee of Attorneys-General take it on. There are objections to the possibility of amending the Constitution in one way or another, and I think the Attorneys-General, after having met on the specific items of the Bill, could at some other stage carry the discussion forward on whether or not Section 133 of the Constitution should be amended, and if so, how. That would permit us to proceed on to some other item and then we could have a report...

HONOURABLE J.N. TURNER: You are talking, Mr. Prime Minister, about that part of the charter involving language?

THE RIGHT HONOURABLE P.E. TRUDEAU: I am talking about the charter involving language and the whole question of whether Section 133 should be amended in a way which has been suggested by the B and B first volume report.

There are a lot of constitutional difficulties. Premier Manning raised some last year, and rather than go into a legal discussion here I think we might agree to have the Attorneys-General look at the possibility, desirability or otherwise of amending 133 and they could report to the plenary conference at some further meeting of ours.

(TRANSLATION)

HONOURABLE J.J. BERTRAND: Mr. Prime Minister, I would like to understand you clearly. Am I clear on this? At the outset the Committee of Attorneys-General or Ministers of Justice would meet to examine, at first, the problem of constitutionality which has been raised?

THE RIGHT HONOURABLE P.E. TRUDEAU: No. It is not quite that. It would involve only those Provinces which have expressed reservations with regard to constitutionality. A number of Provinces have indicated that they agree, that the Federal Government should move ahead.

What we would like is that those Provinces which have reservations with regard to the constitutionality of the Bill make their representations to the Minister of

Justice. After that, we will see if any amendments should be made to the Bill. As to the application...

HONOURABLE J.J. BERTRAND: Modalities, and possible amendments that you have referred to, and reservations expressed by us a moment ago and expressed by me with regard to bilingual districts, all those things are problems which we may discuss when we will be consulting with the Minister of Justice?

THE RIGHT HONOURABLE P.E. TRUDEAU: Yes. It is possible that at that level - that is at the level of the definition of districts, in respect of the actual application of the Bill, assuming that it is constitutional, these meetings should proceed not with the Minister of Justice, but possibly at the outset with the Committee of Officials who could negotiate the setting up of the districts or see whether it would not be possible for us to amend our conception of these. At a further stage the Ministers of Education or Culture, or our own Secretary of State might wish to report to the Committee. I would therefore entertain both solutions.

HONOURABLE J.J. BERTRAND: In order to establish the relationship - because a relationship should originally be established with the Minister of Justice - could we not agree that we will deal with him? Could it not be the Minister of Justice who could see to the referral of the problems to other ministers?

Otherwise, we might have to organize a meeting of the Ministers of Cultural Affairs, Education and Justice.

THE RIGHT HONOURABLE P.E. TRUDEAU: That is why I suggest that the application of these provisions be originally dealt with by the Committee of Officials and that the legal or constitutional aspect be made the responsibility of the Minister of Justice.

HONOURABLE J.J. BERTRAND: By the Sub-Committee and the Committee which have been set up. Very well.

(ENGLISH)

THE RIGHT HONOURABLE P.E. TRUDEAU: Is that agreed then?

Thank you. We can go on to the next item which is item 4(b) on Fundamental Rights.

The Minister of Justice might briefly restate the federal position and then we could carry on the discussion and debate on this.

HONOURABLE J.N. TURNER: Mr. Prime Minister, I will take account of your word "briefly". It has been federal policy, gentlemen, for some time to give priority to fundamental rights in this total review of the constitutional process, and it has been our view that once the rights of people are adequately defined and protected, then we can turn to the rights of governments.

We would submit to the Conference that a charter entrenching human rights would override public or private action denying those rights, and would be subject to change only by way of constitutional amendment.

We recognize that - and certainly it was brought to my attention on my tour across the Country - that some Provinces object to the impingement upon the legislative supremacy in the legislature or in Parliament. We would think limitations on absolute sovereign power of a legislature or parliament are not new even within the tradition of the common law. The Magna Carta in 1215, the Bill of Rights in 1869 - these developments harkened their new sovereignty, namely the sovereignty of Parliament, and far be it from me, Mr. Prime Minister, to deprecate parliamentary sovereignty which is one of our cherished traditions and it has served us well. But I would like to suggest on behalf of the Government of Canada parliamentary sovereignty and parliamentary government is not what it used to be. We all know just how complex government has become and how intricate, and the bureaucracies it has spawned. I think one of the favourite terms of abuse that I have listened to is the word "bureaucrat".

Well, I think we run the risk more than we ever did before of this impingement by the state on the rights of people. What Lord Hewart once called the new despotism.

We suggest parliamentarians and Members of the Parliament of Canada and the legislators of the Provinces need help to preserve fundamental rights and freedoms.

That is our view, Mr. Prime Minister, viewed from this perspective.

The Canadian Bill of Rights in 1960 was an important step. Some provincial legislatures have taken important

steps and these are important too in moves along the way, but if we really believe government is for the people and for man and not man for government, surely there is no rational basis for fearing a constitutional Bill of Rights, and surely we can agree and define those matters - indeed it is human values that we all consider to be fundamental and upon which governments everywhere should not tread.

Wouldn't it be a great thing for Canadian unity if our citizens could say regardless of where they lived in Canada they hold certain fundamental rights, certain fundamental rights in common. If those rights were uniformly respected by all levels of government, federal or the provinces anywhere, that is the appeal and the challenge we want to make to the Provinces for a constitutional Bill of Rights.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Turner.

The discussion is now open. Any remarks?

HONOURABLE J.P. ROBARTS: May I ask Mr. Wishart to speak on behalf of Ontario?

HONOURABLE A.A. WISHART: Mr. Prime Minister, ladies and gentlemen, I think it might be fitting in offering a few comments on a Bill of Rights, particularly entrenched rights in our Constitution, if I might be permitted to quote the opening words, part of the preamble of the Ontario Human Rights Code.

Those words are:

" Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations. It is public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin."

These are the words from the preamble; they state what has been and what is and what will continue to be public policy of Ontario.

Last February, just prior to the Federal-Provincial Conference on the Constitution, the Federal Government proposed adoption of a charter of human rights to become part of our written Constitution. At that time we had very little time to consider the proposal and give it the serious consideration we thought it deserved. Our position was that while we welcomed the proposal, we felt it should be studied in conjunction with other matters bearing on our Constitution. In the intervening year we have studied that idea along with the other matters, and we have come to certain conclusions.

I suggest that there are certain basic liberties fundamental to democratic government. They include freedom of conscience and religion, freedom of speech, freedom of assembly and association, freedom of press, and I would add, the right to vote.

The Federal Government booklet entitled A Canadian Charter of Human Rights which was published in February a year ago refers to these as political rights. These are I take it, rights belonging to the people which are fundamental, which all people accept, and which are basic to our kind of society. They create the atmosphere in which all our institutions, all our society and our government function.

These freedoms are the cornerstones of our democratic system of government. There is, in my opinion, a strong case for their ultimate entrenchment in our Constitution, and I would say, Mr. Prime Minister, that we would agree that they should be entrenched.

There is this factor relating to these fundamental political rights-that they need little legislation to make them effective. They do not need a great deal of legislation for their enforcement. If you consider all the rights that I have described, you will see that that is so.

Now I think it must be borne in mind that in any society, particularly in our own free society, there are certain minimum constraints on the exercise of personal freedom. These constraints would establish limits on our actions consistent with respect for the freedom of others.

They include, for example, protection of the individual from defamation, libel and slander. When you think of

freedom of speech, it does not imply or give the right to defame, or to libel, or to slander another citizen.

Freedom of the press, which we cherish, I think must carry with it the constraint that the press, while it may be fully critical, cannot advocate the overthrow of our democratic government by violence.

These are some of the constraints that we would have to bear in mind. The freedom to assemble, the freedom to demonstrate would, I believe, have to have about them some constraint so that they would not interfere for a great length of time or seriously with the free going-about and lawful pursuits of other people.

These are some of the constraints which would apply even to these very basic political freedoms.

HONOURABLE L.J. ROBICHAUD: May I ask one question? Would these constraints include the distribution of hate literature such as was distributed to the Premiers today in the hotel?

HONOURABLE A.A. WISHART: I would suggest that this becomes a question of whether that kind of literature goes beyond what we would regard as freedom of speech or freedom of the press. It would become a question as to whether this type of literature goes beyond the bounds of freedom.

I think I would have to see the material to pass upon it. Perhaps I could give you a reasonable judgment then.

I would point out that the European Convention on Human Rights, which was signed in 1950 by the members of the Council of Europe, is an example of a charter which defines the difference between one man's liberty and his interference with the liberties of others.

If we entrench these political rights, it will be important, I think, to indicate - perhaps in the preamble to our Constitution, or in that section of it which deals with these rights - the constraints which should be observed by the Courts when they come to interpret that part of the Constitution.

Now there are other kinds of rights besides the political ones. There is a whole concept of individual

rights today. And we see them, I think, in a new dimension.

We talk about the rights of the consumer. We have laws with respect to the consumer. We talk about the rights of the tenant. We have laws between landlord and tenant. The rights of old-age security; the right to a minimum standard of living; the right to an education. These are just a few. And the list is long. All these matters contribute to the development of the individual. Indeed, in many cases they are necessary for the full realization of each man's potential as a human being and as a member of society. And in that sense they are rights which our individuals should have the right to enjoy.

But I am attempting to distinguish those from basic political rights. And I am going to suggest that there are some rights which perhaps should not be entrenched because they could be more effectively enforced, or effectively brought to the individual, by legislation.

Therefore I think it is important in discussing this matter that we determine, first of all, what rights we shall entrench; and then that we determine how best the various rights which we have and which we cherish can be protected and effected.

The right of the individual to protection against discrimination because of race, creed, colour or national origin presents a particular problem. It takes a great deal of legislation to make this right meaningful. And I make this point - there is a great difference between this kind of right and, for example the right to freedom of worship, the right of free speech, the right of assembly. Those political rights do not need great enforcement in the way of legislation.

But these rights - the right to be protected from discrimination, for instance - take a great deal of legislation to make them meaningful.

In Ontario, through our experience in the administration of our Human Rights Code, we know how much legislation is involved. Our anti-discrimination legislation is, we think, the most advanced of its kind in North America. In fact, I think it would be fair to say that it is the most advanced in the world.

Its arm of action is the Ontario Human Rights Commission, which investigates problems and sets out a step-by-step procedure to solve them. And in this way the Code's provisions are far more effective in eliminating discrimination than are most bills of rights in the constitutions of other countries.

I might just stop here to suggest that, if one looks at some of the countries which have entrenched bills of rights, the result has not always been the effective protection of the rights of the individual.

The Human Rights Code also provides for the investigation of complaints by the Commission. If discrimination is found to exist, an attempt is made to solve the problem by persuading whoever is involved to make amends. In this effort, the existence of an enforceable law to back up the Commission's actions is indispensable. If this procedure does not succeed, a Board of Inquiry is appointed to investigate and report on the complaint. This procedure is largely fact-finding and advisory. It must be emphasized that resort to judicial machinery is a final step, taken when, and only when, persuasion and conciliation fail to achieve a settlement. Our Commission has handled more than 8,000 complaints since the Code was consolidated in its present form in 1962. Nearly 1,600 formal cases have been investigated. Of these, only 50 -- I repeat only 50 out of some 1,600 cases -- have required the appointment of a Board of Inquiry. Furthermore, only in two cases has it been necessary for the Commission to take judicial action to achieve compliance. In addition, the Commission has made superb educational efforts in the field of anti-discrimination. On the basis of this experience, it is hard to believe that there is a more effective way than the machinery Ontario now has to ensure that these important rights are respected. After all, effective protection, not just a written charter for its own sake, is our goal.

Now, I would hope that I make it clear that I do not speak from any lack of commitment to the elimination of discrimination, nor do I speak from disagreement with the principle that we must protect people from anti-discrimination as best we can.

But I do question whether there is any merit in altering a proven effective method by entrenching a constitutional provision, which might result in a less flexible and potentially less effective method of enforcement. The

overriding characteristic of Ontario's programme, as I have said, is conciliation and education supported by law. I think we must ask ourselves whether entrenchment, which provides a direct appeal to the Courts to enforce such a constitutional guarantee, is preferable to our method of conciliation and persuasion, which is a proven procedure.

To entrench these rights might well be detrimental to our goal of effective anti-discrimination. And do we really want entrenchment if that result would follow?

I think we may answer "No, that is not the result we seek." What we wish to do is effectively to attack discrimination in Canada by means of a human rights code and commissions rather than by entrenchment, because I believe that this is the effective way to go about the matter. Certainly our experience leads us to that conclusion.

Nine Provinces already have some form of anti-discrimination legislation. I think it would be useful for all provincial governments to consider adopting uniform legislation, perhaps using as a starting point the Ontario statute, which has already served as a model for much recent Canadian legislation in this field. We would be willing to share, as we have in the past, the experience that our government agencies have gained in their 18 years in this field. If this suggestion for uniform legislation is acceptable, its desired result would be to extend the most effective equal protection against discrimination to all Canadians. Surely, this is our goal. There may be other, equally effective ways of achieving this goal, but I offer this suggestion for consideration.

Now, there are other rights which I would call, and which I think the publications which have been delivered call, "legal rights". These are somewhat different from the others that I have been talking about.

Some relate to criminal proceedings, and they are covered by the Criminal Code of Canada. There are others which relate to civil actions. They are regulated by provincial legislation.

I think we can perhaps speak of the procedure sections of the Code - our rules of evidence, our law of evidence. These are legal rights which, certainly I think, lie within federal jurisdiction. These are spelled out in the Code which is a federal statute and which covers the rights of people brought before our Courts in criminal

matters. And no one questions the principles which underlie those legal rights.

But experience has demonstrated that a judicial interpretation of some of those principles will vary from time to time, and I think indeed they must, in a healthy, changing and sensitive system of democratic law.

Therefore we should be wary, I think, of confusing principle - that is, the great principle of rights and freedoms - with administrative reform related to legal rights.

I might mention that we have been active in looking at that area of our law to ensure our citizens' rights. First, the Honourable J.C. McRuer was appointed in 1964 to conduct an extensive investigation into these matters. We have already benefitted enormously from his initial report. Ontario's new Expropriations Act and the proposed Professional Engineers Act are examples of legislation based on his recommendations.

I might say to you that we have found it possible since the report was received last year to implement by legislation and make effective one hundred and fifty of the recommendations which were made. Before the end of this session of our Legislature now sitting I would expect that the legislation I have before me will implement another two hundred of the recommendations made by the Honourable Mr. McRuer.

In his second report, which we anticipate will be published shortly, Mr. McRuer will deal with the matter of a Bill of Rights. We expect that his findings will contribute even further to our understanding of the problems involved.

This is one area of protecting and guarding human rights in which we have been most active, and I think we have gone a long way towards our objectives.

In considering this I trust you will bear in mind the distinction I have made between fundamental political rights and those other rights which I believe can be best dealt with, best protected by legislation.

Second, we have also the Ontario Law Reform Commission, appointed in 1964, which has done a great deal of work in the review of all our laws. And it has been making recommendations for improvements in our statutes. That work will be of a continuing nature also.

The Commission is in a unique position to make suggestions based on experience. I would describe that Commission as a continuing research facility in the field of law for the purpose of improving the administration of justice concerned with rights of our people.

If we were to entrench a great many rights in the Constitution, it strikes me at once that in order to reach that safeguard, in order to reach that shield, in order to reach the protection of those rights, one would have to go to the highest court in the land for interpretation. With these other rights about which I speak, which are in our statutes dealing with our everyday procedures in the courts and in the provincial jurisdiction, the right is close at hand and quickly determined, and could be enforced.

There is a further aspect of legal rights to which we must direct our attention. Law enforcement is a complex problem, and the legal rights mean nothing unless the day-to-day administration of justice is so designed that it aids the individual who claims those rights. There is no way for the individual to take advantage of them when he needs them. Ontario has recognized that without conscious effort on the part of government, there can indeed be one law for the rich and one law for the poor. That is why the Ontario Legal Aid Plan was established in 1967. It was established with the co-operation and with the assistance of the Bar in our Province.

The plan provides for a Duty Counsel who is on duty in Magistrates' Courts and Family Court to advise accused persons with respect to their legal rights. In criminal cases, the Duty Counsel makes representations with respect to sentence if the accused chooses to plead guilty after he has received legal advice. The services of the Duty Counsel are available to any accused person who requests them, regardless of his ability to pay.

As with protection against discrimination, the definitive test of our actions is the results they achieve. In 1967-68, the first year of the Plan's operation, over 67,000 accused persons were assisted by Duty Counsel. Over 1,000 persons a week are now being helped by the Plan. The provision of legal services to those who need them is only one of the commitments implied by a guarantee of legal rights, although it is a basic one. The figures I have cited indicate the magnitude of such a commitment in the Province of Ontario.

There are many ways in which legal rights can be effectively ensured. We must draw on the experience of the bodies which deal with the day-to-day operation of our system of justice, such as the legal profession and the courts, in order to understand better the specific problems that need to be solved. Furthermore, no serious study of the implications of entrenching legal rights has been undertaken. We must give this problem the serious consideration it deserves. If our declaration of them is to be meaningful and not merely a piece of paper to soothe our consciences, we must develop the means of translating legal rights into concrete help for those who need it.

When we guarantee certain rights, we must be sure that we can carry out our undertaking. Meanwhile, we can proceed with revisions of our own statutes, through law reform commissions or by other means. Many desirable results can be achieved right now through legislation. Action to protect rights need not wait for entrenchment in a bill of rights and a constitutional amendment. Indeed, we must examine most exhaustively the pros and cons of the entrenchment of legal rights.

Linguistic rights fall into a special category, special for Canada, and are a basic element in our federation. Our discussion here, as in our earlier meetings, has already uncovered many of the factors which make it a unique topic. Clearly, this category deserves and has received attention in its own right rather than as a sub-topic of the subject we are now discussing. This is one area where ordinary legislation has proved to be the most effective means of correcting an injustice. The changes which Ontario has made within its public education system and the Federal Government's proposed Official Languages Bill are examples of protection through the mechanism of legislative action.

Our experience has shown us that some rights can be effectively protected by constitutional entrenchment and others can be better protected by ordinary legislation. Once it is decided what rights and freedoms would most advantageously be protected by constitutional entrenchment, then the most effective way of entrenching them must be determined. The goal should be a Constitution which reflects the realities

of our political system. The political rights, to which I have referred, are part of the fabric of our political system as it now exists and as we want it to continue. For that reason, they belong in our Constitution. We have, in this Constitutional Conference, the necessary machinery for deciding what changes we want to make to the Constitution although we lack the mechanism for effecting them.

I would think perhaps we might get agreement here, and I would hope we could, to entrench a very solid category of rights. I think this would be a great thing to achieve as my colleague, if I may call him so, the Minister of Justice and Attorney General for Canada has stated; a great aim and a great objective; something to achieve. But having done that, we have got to get it in the Constitution, and at the moment we would have to make a trip to Westminster.

I would hope that another great objective -- and it could be achieved here, certainly with the personnel in this group, though I would not say it might be achieved today but it seems to me it would be a great achievement to find a way by which we could amend our Constitution, a formula for amendment. Then, when we make that trip, Sir, to Westminster, with what we achieve by way of a formula for amendment, we could say, "This is the last occasion on which we shall trouble you."

I would hope we might strive to reach that event also.

HONOURABLE J.N. TURNER: There will be a celebration on that one, Arthur.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Wishart.

HONOURABLE W.WEIR: May I call on the Honourable Sterling Lyon, Attorney-General for Manitoba, to speak on this matter.

THE RIGHT HONOURABLE P.E. TRUDEAU: The Honourable Mr. Lyon.

HONOURABLE S.R. LYON: Prime Minister, I was delighted to hear my distinguished colleague Mr. Wishart from Ontario give his exposition of the position of his government with respect to the proposed Charter of Human Rights. May I, Sir, at the outset say that our government as well as for the people and for man - I think those were the words that were used by the Minister of Justice today - our government as well as for the preservation and enhancement of civil liberties in this Country. Indeed, I think this is a subject that we can discuss quite freely and openly around this table because no one here will say they are opposed to the nurturing and enhancement of civil liberties for our citizens; and perhaps what we are going to have a slight academic argument about it in this context is how this can best be done.

May I say that I welcome the initiative of the Prime Minister, who, as Minister of Justice, first introduced this concept and now that of his Minister of Justice, Mr. Turner, in bringing this fundamental matter before us because it does give us an opportunity, I believe, to examine our existing institutions to see perhaps where they are not serving the people as best they might and to determine whether or not a new course should be struck in order to guarantee individual liberties to the citizens of Canada.

But I would start from this fundamental proposition, Sir, and I think it is appropriate to record it, that Canadians presently enjoy individual rights and freedoms in a manner at least as advantageous as any people anywhere on the face of the earth. And I think this is the basic breaking-off point from which this discussion should proceed because we would be doing I think a disservice to the people of Canada (and I am sure that the Minister of Justice does not intend this at all) if we were to indicate in any way that we need a new charter of civil liberties or individual rights in Canada because the enforcement of them is in some way deficient under our present system.

So we do have this extremely enviable circumstance in Canada today, not a perfect system by any means because

it is carried out by man-made institutions and man-made institutions are not infallible - they are not perfect - but it is an enviable circumstance; what some might describe as the essence of a settled and orderly civilized society.

And I think it is well to note that this circumstance or this condition did not materialize out of the air or indeed out of any abstract doctrine conceived by a Utopian theorist or any such sort at all, but rather the wisdom of our Fathers of Confederation in ensuring the continuance and nurturing of the common law of England in our land was the root cause, I suggest, of the beneficial state of individual liberty in Canada today.

Now, what is the concept of the rule of law, which is at the heart of our heritage, which we enjoy in this Country? The expression, "the rule of law," has no less than three conceptions.

Firstly, that no man is liable to punishment or discipline except for a distinct breach of law established in the ordinary legal manner before the ordinary courts.

Secondly, that every man is subject to the ordinary law of the Country, of the realm.

Thirdly, that individual rights are conceived by judicial decision in particular cases.

These historical concepts together with the power of a sovereign parliament and sovereign legislatures, each in its own field, to mould our laws to changing needs, these concepts are the basis of our liberties in Canada today and may I add, Sir, the system works, which is a very important point to register.

At common law rights are limitless presently today under the system we enjoy, save where expressly abridged by the common law itself; that is, rights of one man are limited when they infringe the rights of another, or by statutory enactment. The enactment of rights by parliament came by amendment to the common law, to their rules, or in fields untouched by common law, such as social legislation, but these were specific rights that were made at a time under a specific social or legal circumstance to guarantee an improved individual liberty.

Common law at an early date recognized individual rights and an independent judiciary and a parliament responsible to its electorate guaranteed them.

In common law jurisdictions it was, thus, unnecessary, if indeed not undesirable, to enact rights by a specific constitutional document. The rights existed and emphasis could be placed on ensuring that they could be enforced.

Canada not only inherited a common law system but we have developed it over the past 100 years to meet our own particular circumstances within the federal state and to meet the changing social conditions, economic conditions that face each of us in our respective parts of this Country.

I pause just for a moment to comment upon what Mr. Wishart said with respect to the Ontario system, of which he, I think, can be very justly proud.

He made mention of the fact he would not want to see matters that are presently dealt with by his Commission, if I understood him correctly, he would not want to see those in any way trespassed upon or become part of the entrenched bill - and if I am mistaken in my interpretation, you can tell me - because he applied the test which I have just applied. It is working well in Ontario. I am suggesting that as we consider this - and I am sure we will at meetings of the Attorneys-General and at subsequent meetings of this plenary session, that we should keep that fact in mind.

Mr. Wishart, I think, was quite proper to point out that his system is working, so don't move into a field where we are already giving protection to the people and try to do something in that field that is perhaps new or different because it sounds like a good thing to do in the present circumstances. Let us take the test of the usage which he has established as one that should guide us in our consideration of this matter.

Not all countries have the common law. Many countries in continental Europe developed a different system of law altogether. Many of the states which did not have the development of the common law, a development of the rule of law, had to seek security for individual rights and liberties by virtue of charters of human rights in one form or another and the constitutional history of the various countries is replete with the examples of how this development took place.

So I think we must engage ourselves in a logical determination here of what is in the best interests of all Canadians. We must take into account Canada's 100 years of experience as a Nation; in other words our heritage and tradition that we presently find, and the advantages and disadvantages of the system that we have developed here, and other systems that may have developed in other countries from which we can derive some experience as to whether or not they would be as good to draft onto ours or otherwise.

I think an examination of what exists today in Canada and the Province reveals a limited written Constitution with which we are all familiar and that is what we are talking about around this table for three days.

The B.N.A. Act provides for the organs of government and the distribution of powers between them. This represents an immediate difference from the Constitution of the United Kingdom, of course, but only to the extent necessary. Canada was created out of former colonies and as new institutions were being created, legislative enactment of them was necessary: as it was to be a federal state a distribution of powers was necessary. The legislation was passed to fit the particular circumstances and was not intended to deal with individual rights.

Individual rights, both federally and provincially, were protected by the courts and by parliament at the federal sphere, or by the legislature. This was so in Quebec where the civil law was codified, for so long as the legislature of that Province could alter the law the citizens' protection came from the institution rather than declaration of rights.

Thus it has remained in Canada for over 100 years, notwithstanding the 1960 Bill of Rights passed by the Parliament of Canada which is declaratory of existing and continuing rights.

Now, in considering which system is most desirable for Canada today, I would submit that we must give reasonable consideration and that there must be a heavy onus on those who advocate change to justify it, particularly in the light of the fact that no grave injustice can be found in the present system.

In this regard, Prime Minister, I am reminded of the story told of the custom that is apparently adhered to in one of the city states of Old Greece. The man who advo-

cates a new law must place it on a large box with a rope around his neck. If the citizens approved his law, they took away the rope. If they registered disapproval, they took away the box. By this means they avoided the evils of excessive legislation.

Now, I am not suggesting that that test should be applied today, particularly to any of us sitting around the table, but I do suggest we do have to look at the institutions we are trying to draft new ideas upon to determine whether or not they need this kind of ingestion of a new form in order to make them better than they are so the issue is not whether certain rights should be recognized and how to do so; the rights already exist and they can be readily enforced. The true issue is whether we can improve upon our traditional and familiar common law guarantees of those rights by implementing into our Constitution a new concept, no matter how well-intentioned, of a charter of rights which would be elevated to an entrenched position in our written Constitution.

I want to make it quite clear, Prime Minister, we do not balk at this because it is new but because we are convinced that rather than leading to an enhancement and growth of individual liberties in our Nation, it could (and I stress the verb "could") - it could lead us into some fundamental problems which have beset foreign jurisdictions with a constitutional charter of rights.

The denial of formerly defined rights is, unfortunately, not always a rare occurrence in other jurisdictions. As the Attorney-General of Ontario mentioned, we do not have to give examples of that around this table today, but that is a known fact.

It is our job, I suggest, as parliamentarians whether in the Legislature or in the Parliament of Canada, to make sure that we do alter our fundamental common law and statutory law to meet ever-changing conditions that we are finding in a very complex society.

The needs of the future, I suggest, cannot be conceived today, no matter how good we think we are, in terms of ten, fifteen or twenty-five years from now or one hundred years from now. We cannot conceive of everything. I would suggest it is better to permit the judges of tomorrow to apply the principles of today than to stultify the law by grand phrases appropriate in today's context only. Effective machinery to ensure the enjoyment of rights is as

important in our heritage as their definition.

I need not belabour this meeting with a detailed enumeration of the disadvantages of codifying common law rights, which are discussed at length by many eminent jurists.

I would like to point out, for example, that non-violation of air space is an example that might be used. This might have seemed in 1867 to have been a fundamental right to the Fathers of Confederation had they attempted to enact a charter without any thought, quite naturally, to the use of air for travel. What would have been the consequences of entrenchment of such provision in our Constitution to the early development of air transport in Canada? Hypothetical, yes, but possible.

This is what we might do today in terms of some of the rights we might have entrenched in the Constitution which would have the effect, which would have the deleterious effect later on because of changing social conditions. Therefore, I agree, of course, with Mr. Wishart that if this concept is to be proceeded with in any way at all - we would suggest it not be done but if it is to be done in any way at all there be very strict limitation of the rights that are to be put into the Constitution of Canada. What are the fundamental rights and who is going to make the decision as to what is fundamental to me, to the Prime Minister, to the Minister of External Affairs, or whatever?

Rights in many ways are individual things and apply to individual people: enjoyment of one's home, enjoyment of clean air, enjoyment of many things are individual rights and they are presently protected.

I suggest in concluding, Mr. Prime Minister, that the essential virtue of our traditions of common law is its practical nature ensuring not only the recognition of a right but its availability. The right is developed out of the machinery for its enforcement, rather than as an abstract principle to be applied by a means not yet conceived.

To reiterate the freedom enjoyed in our present system is largely enshrined in our institutions of parliament and legislatures and an independent judiciary. It would seem to us much more important that we devote our energies to the preservation of liberties by keeping our institutions healthy rather than by declaratory codifications which might well erode the present premise of those familiar institutions.

Here again, I refer to the remarks of Mr. Wishart with respect to the Ontario Human Rights Commission. Every Province but one has enacted an Act, I believe. We do have in Manitoba certain legislation with respect to the practice of discrimination in terms of employment, public hostelrys and so on, and this is an area which is needed in this complex society that we are living in today. It is responding to a current need which is being met by legislatures at the present time under their constitutional jurisdiction. It is working and it is guaranteeing to people rights that they seek in this day and age.

A declaratory statement of rights may help to make a man feel secure but Canadians may prefer, should the need arise, to be sure of enjoying the consequences of right rather than admiring a statement. The granting of a right to adequate housing may make the draftsman feel that he is promoting the just society, for instance, but the man without a home may much prefer executive action to see he gets a home rather than to have the principle stated.

In short, Mr. Prime Minister, we take the position we should concentrate on ensuring enjoyment of rights rather than defining them. We would enjoy having with you and with the Attorney-General and other participants in this Conference a further discussion on this item as to the best means of preserving what all of us want for all Canadians.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Lyon.

I think it might be well before adjourning at five-thirty if we could look at the agenda for tomorrow and decide briefly how we might proceed. It is obvious we will have a full day and I think all of you who could possibly plan on a full day should do so. I think arrangements are being made to fly the Premiers and whatever other personnel we can put on a plane both east and west and that would be a plane flying tomorrow at six o'clock, or one hour after the adjournment of the Conference, whichever is the earliest, I take it.

If that is agreeable we would have to finish off this item tomorrow morning and perhaps the final words of Mr. Lyon might indicate to us a way in which we could consider it: have further meetings on the subject by the Attorneys-General. It would be well if we could take at least part of tomorrow's meeting, a little part of tomorrow morning, to perhaps go around the table and give every delegation a

chance to state its position on this item.

Going back to regional disparities, on this item I might ask you, Premier Smith, to lead off in the morning.

That would cover the things we have started but many things remain on the agenda. I will just name them: 4(d), Reform of Institutions linked with Federalism; that is, the Senate and Supreme Court. We may want to spring another topic there on you. Premier Bertrand, Premier Robarts and myself may want to report to you on some progress made on the National Capital Area, and if we can reach agreement amongst ourselves we may submit it to you. That is under Reform of Institutions linked with Federalism. If we cannot reach a quick agreement we won't concern you with our problems.

4(f) and (g) covering Amending Procedure and Provisional Arrangements and Mechanisms of Federal-Provincial Relations. I hope this might be brief and at least the mechanism of federal-provincial relations might also be dealt with in connection with 2(c). You will recall that was Procedure for Constitutional Review; in other words, what mechanisms go on from now on in on the Constitution. We have already set out some committees, some tax structure committees, some committees of Attorneys-General, and it would be a matter of finalizing that.

We would have to make sure at the end of the day we did have a little time to agree on 2(c) and if, hopefully, there is any slack anywhere we would go back to 3, The Objectives of Confederation. Perhaps this would be of lower priority than the other items I have mentioned.

I think the heads of governments will be having dinner with me and the other ministers will be having dinner with the Minister of Justice tonight, so we all wish you good appetite and adjourn the Conference until ten o'clock tomorrow morning.

FIFTH SESSION — WEDNESDAY MORNING
Ottawa — February 12, 1969

FIFTH SESSION : WEDNESDAY MORNING

THE RIGHT HONOURABLE P.E. TRUDEAU: I think we will come to order, gentlemen.

We have to continue and finish the item 4 (b) on Fundamental Rights, and then we will return to Regional Disparities. Hopefully we will at least be able to finish these two items this morning and begin consideration of some of the others. A few of the heads of delegations have asked to speak on the first item, and then I know that there are several others who want to speak on regional disparities, so we would all appreciate if the statements were fairly brief.

(TRANSLATION)

Mr. Prime Minister Bertrand, you asked to speak on this item?

HONOURABLE J.J. BERTRAND: Yes, thank you Mr. Chairman. Last year, in the brief submitted by its Prime Minister to this Federal-Provincial Conference, Quebec indicated at some length its views on this matter of fundamental and human rights.

These views, then, will be found in the brief submitted at that time by Quebec as well as in the proceedings of last year's meeting. In the English version these will be found at page 289 and in the French version at page 292.

I do not intend to repeat all that was stated at that time. This simply would be reiterating the position of Quebec which was well put last year. May I, however, add these words.

The discussions of the first Constitutional Conference and the work carried out since then in the Committee of Officials have indicated that we are all in agreement on the protection of fundamental rights but that there are differences of opinion on the means to be used to ensure this protection. Must these rights be guaranteed through constitutional provisions or do we feel that ordinary laws are adequate? That is the problem.

Quebec understands those who would hesitate to change our ordinary ways in this regard and who fear that

the Courts might one day be called upon to exercise functions which are not proper ones as far as they are concerned. But Quebec does believe that the advantages of constitutional guarantees more than make up for the shortcomings which I have just noted. In principle, then, we would support a constitutional declaration of human rights but on certain conditions. We should not forget that this is a Federal system. It is, therefore, important to act in such a way that this constitutional recognition of human rights does not alter the distribution of powers between the various governments. We would not feel, for instance, that the Federal Parliament should legislate in respect of contracts, wills or those matters which are provided for by the Civil Code of Quebec, simply because it is claimed that such action was necessary to apply the constitutional guarantee of human rights.

Any action in this field must be carried out by both levels of government, each within its own area of jurisdiction.

The question which the government of the Province of Quebec is putting is this: Will the declaration of rights to be entrenched in the Constitution of Canada apply to all levels of government or will it apply only at the Federal level, to be supplemented, of course, by constitutional declarations in each member state?

For the moment at least we would support this latter solution. Not too long ago we gave our own Parliamentary Committee on the Constitution, in Quebec, the responsibility of looking into this matter, of seeking those means which should be used to provide Quebec with a constitutional Charter of Human Rights.

As we stated last year, we believe that this matter of fundamental rights is only part of a whole. For instance it bears a very close relationship to the setting up of a true constitutional tribunal -- if it is included within the Constitution of the Country and within the provincial constitutions. It has been related to the reform of the Senate. It has also been stated that the adoption of the constitutional Declaration of Human Rights should be made as we adopt a new Constitution, not before.

We have stated on many occasions that we feel that the essence of the constitutional problem facing us at this time is much more the division of powers between the two orders of government than anything else. We do

recognize, however, along with the Prime Minister of Canada and others who share his views, that this problem of fundamental and human rights is also one of considerable importance.

In the meantime we would be ready to continue discussing this matter with all other governments, within the general framework of the terms of reference of this Conference, either through our Committee of Officials or through the setting up of a sub-committee. We are quite ready to co-operate with you.

I should add that over the last year, in regard to this matter of the protection of human rights and freedoms, we, in our own Parliament in Quebec, have passed legislation creating the position of "ombudsman" or protector of the people. It is now up to us to meet the requirement we have set up in this regard. This candidate can only be chosen by a mandatory vote of two-thirds of the members of our Parliament. Since the present government has only got 55 members, whoever will be chosen will also have to meet the requirements of the Opposition.

I might add also that over the last few weeks, and up to September, we will be receiving the report of the Prevost Commission which was entrusted with an examination of this very important matter of the administration of justice, in penal and criminal matters, with regard to the protection of the rights of the accused, with regard to an improvement in criminal proceedings before the Courts, and so on.

Mr. Chairman, these are some of the views, opinions or ideas which I wanted to put forward to complete the very excellent statement made last year by my predecessor, Mr. Johnson, on this problem of fundamental rights.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you Mr. Bertrand.

Premier Robichaud?

(ENGLISH)

HONOURABLE L.J. ROBICHAUD: Mr. Prime Minister, following the exposé of Mr. Wishart and that of Mr. Lyon of Manitoba, and that of Mr. Bertrand of Quebec, New Brunswick would like to say that the proposed Canadian Bill of Rights or the Charter of Human Rights as set out

in your federal proposition represents, we believe, an effort to put in fundamental constitutional terms the general concept of such a charter as set out in the presentation by the Government of Canada to the Constitutional Conference of February last year which was entitled the Canadian Charter of Human Rights.

It is evident that the Federal presentation in its propositions is not unlike in principle several of the points made in the proposition put forward by the Government of New Brunswick.

Broadly speaking the Federal attitude toward federal rights embraces the following: social and political rights, strictly so-called, dealing with such matters as free speech, assembly, right of fair trial, et cetera, as Mr. Bertrand has just said; the general principles with respect to non-discrimination and general principles with respect to language and school rights.

(TRANSLATION)

The Federal proposals differ from the proposals of New Brunswick only in two respects.

The first is that New Brunswick does not indicate in detail what its statement of fundamental rights would be, feeling as it does that the matter has not been looked at in sufficient detail and that, in consequence, it is impossible to indicate at this time what the provisions of a relevant Bill could be.

In this respect the attitude of New Brunswick is that even though the Charter proposed by the Federal Government does constitute a very valuable document, it should be looked at in detail by a working group or sub-committee, along the lines of those working groups or sub-committees suggested yesterday for a variety of purposes.

The second point which the Government of New Brunswick is ready to accept is that any guarantee of linguistic rights, in general or in particular, should be provided for in one form or in another, whereas it would appear that the Federal Government prefers such a guarantee of linguistic rights to be incorporated within its Charter.

(ENGLISH)

And finally in this connection it should be noted that the Federal proposals avoided creating a constitutional obligation on the matter of social and economic rights at this stage although the original presentation of last February suggested these as possibilities for some future decision.

There is no doubt that the most significant policy issue raised by the Federal propositions, and indirectly by the New Brunswick presentation, has to do with the extent to which a charter changes the theory and practices of parliamentary supremacy by placing a ceiling on what it is every legislature can do with respect to certain subjects or certain procedures. This is particularly true about the introduction of a due process clause which in fact raises very considerable issues of policy and requires deep study before all of its implications for substance, if not for procedure, can be comprehended.

New Brunswick's position very well has to be that we are in favour of such a charter with language rights entrenched, but the whole process needs study in depth by some appropriate sub-committee of the Continuing Committee.

(TRANSLATION)

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you Mr. Robichaud. With regard to what you have just said I would like to make one point clear. You have indicated your readiness to consider this matter of protection of language rights in a Charter or through some other means. I should say that we share that view. I recognize that in the volume we have submitted it does appear as being part of the Charter, but we are quite ready to reconsider...

HONOURABLE L.J. ROBICHAUD: Your position is still flexible?

THE RIGHT HONOURABLE P.E. TRUDEAU: Precisely.

Premier Campbell, Prince Edward Island.

HONOURABLE A.B. CAMPBELL: Prince Edward Island made its views known earlier to some extent. I appreciate the very excellent synopsis given by other provinces to the very extensive field which is covered by this subject.

Let me say at this time that we support the principle of entrenching the definition and protection of these rights within the Constitution, and would support the need for a sub-committee of this Conference, or a Committee of Attorneys General, for the purpose of finding ways by which this can most effectively be done.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Premier Campbell.

HONOURABLE D.G. STEUART: Mr. Heald, Minister of Justice, will present Saskatchewan's position.

THE RIGHT HONOURABLE P.E. TRUDEAU: Mr. Heald, Minister of Justice of Saskatchewan.

HONOURABLE D.V. HEALD: Mr. Prime Minister, Saskatchewan adopts and accepts the principle of the constitutionally entrenched Constitutional Bill of Rights.

We agree, as we said in our opening statement, that fundamental democratic rights be entrenched in the Constitution. And of course we would agree that freedom of religion, freedom of speech, freedom of assembly and association, freedom of the press, be included.

Other political rights, we think so; yes, we would agree. We have some concerns with (e), (f), and (g) in your No. 1 in your proposal; but we would like to talk about them further.

We think perhaps something can be worked out that would be acceptable to us. And we certainly endorse the idea of referring this matter to a committee, perhaps to the Ministers of Justice and the Attorneys General.

I would like to make the observation in passing that we think in our Province that in the past three years we have constructed a fully comprehensive umbrella of citizens' protection legislation. So we are not really very concerned about entrenching some of these things. I would remind you, Sir, that we have probably the most comprehensive system of providing compensation to the innocent victims of crimes of violence. This board -- it is a three-member board -- has been in operation now for a year, and they are hearing applications almost on a daily basis. And it is working very well.

The conference in Los Angeles a couple of months ago paid us the compliment of saying we had what they thought was a very comprehensive plan.

I should also like to make the observation that we have an Act called the Expropriation Procedures Act, which is sort of a limited ombudsman so far as protecting the rights of the individual against departments of government who may be expropriating land. And we look forward to this experiment with a great deal of interest. We passed the Act last year, and the Board is now in the process of being set up.

This Public and Private Rights Board, as we call it, will be acting in the capacity or the function of an ombudsman in this field.

We do have some reservations or some words of caution about too much entrenchment in a bill of rights. Our problem, or our concern, is that we feel that one cannot safely predict the constitutionality of legislation, of course, until it has been decided in the courts.

We feel it is important that the Provinces be free to undertake those steps necessary for the maintenance of law and order, of course. And, while human rights have to be protected, the entrenchment of these rights may lead to needless references and appeals to the courts leaving provincial authorities in a weak position to adequately safeguard our society.

I think another factor to be kept in mind is that in interpreting human rights legislation the courts necessarily become involved in policy choices that may be better made by a legislative body.

So we wonder about completely scrapping the present system, or going too far in entrenchment and substituting therefor in some parts a system that is like the American system, which maybe has not worked as well under the American Constitution.

We think that in the United States some constitutional provisions, which are similar to some of the proposals here, have made it very difficult -- and this is our advice -- made it very difficult to enforce the criminal law in some of their statutes in the United States.

We think the situation has become more difficult as a result of the United States Supreme Court giving entirely new interpretations to certain provisions in their constitution. And I think in the case (and I am sure everybody knows the facts of this case) where a policeman stopped an accused person leaving an apartment building with a pillow slip full of furs and other valuable articles, and, on checking the apartment building, found a breaking and entering and theft of the articles had taken place; the court held the policeman had no right to stop and search the accused. Therefore the fact the accused was found leaving the apartment building with the stolen articles could not be received in evidence. As a result the prosecution of him for the offence of breaking and entering and theft failed because of lack of evidence.

We are told also by Dr. Schmeiser -- and the Premier of British Columbia referred to Dr. Schmeiser yesterday -- he is an expert in our College of Law at the University of Saskatchewan, and he has studied the American system and American decisions; and he warns us against going too far in this regard. He tells me he has been advised that in the United States, for example, urban renewal has been rendered almost impossible by the due process clause of the American Constitution.

So these are some of our concerns, Mr. Prime Minister. We feel that any move to extend the so-called rights of individuals beyond fundamental democratic rights should be proceeded with the utmost caution.

If we allow ourselves to get into a situation similar to that of the United States, we think, we fear the result might be that the safety and well-being of the public may be subordinated to the so-called rights of individuals; whereas, of course, the great basis of law and order requires that the rights of individuals have to be curtailed for the common good. Sometimes I feel that it is overlooked that the Court in hearing a criminal charge is charged with the responsibility of determining whether or not an accused person is guilty, not whether ways can be found to prevent the real and truthful evidence of guilt being placed before the Court.

So these are some of our concerns, Sir. We endorse the principle with enthusiasm. We look forward with confidence to further negotiations and discussions to move forward in this area of the Constitutional Bill of Rights.

THE RIGHT HONOURABLE P.E. TRUDEAU: Premier Smallwood?

HONOURABLE J.R. SMALLWOOD: Mr. Prime Minister: I wonder if the Minister of Justice of Newfoundland, Mr. Hickman, could speak for me in this matter.

THE RIGHT HONOURABLE P.E. TRUDEAU: Mr. Hickman has the floor.

HONOURABLE T.A. HICKMAN: Thank you, Mr. Prime Minister.

The position of the Province of Newfoundland was made abundantly clear at last year's session, and I do not propose to spend too much time reiterating that position.

We concur with what appears to be the sentiment, or the consensus of opinion around this table, that there should be an entrenchment of the Charter of Human Rights.

We are somewhat disturbed when we hear the expression, "We favour this, but ..." and then we have to listen to an itemized statement, or account of various features which maybe should be left to the Provinces for implementation.

Our position is that it is vitally essential that the Charter be constitutionally entrenched. If this constitutes any invasion of our sacred rights, we will without hesitancy surrender them.

If on the other hand it becomes apparent that certain features of the Constitution can be more effectively implemented by the Provinces, or certain Provinces today have legislation, experience and commissions which seem to be competent, or more competent than having it through the courts, we can see no good reason why this should impede the early entrenchment of this basic principle.

I cannot for the life of me see anything wrong with this meeting accepting the principle and refusing to tie it down to complete implementation by the courts. If we accept this as the foundation of our principle; if we accept that we must provide all Canadians with this basic protection and this basic right, and then say to the Provinces, "If you want to go beyond this you have our blessing", I do not see how that could meet with any

disapproval from any Canadian.

My concern is that we not get bogged down into legalistic lectures on constitutional law and find ourselves back here two or three years from now still trying to find a formula. Once we accept the suggestion of constitutional entrenchment and then readily cooperate in having the details referred to a Committee of Attorneys General, or any other committee, for the detailed drafting, it is my opinion that, if we are going to do that, it will only be effective if we first have from this meeting a consensus and agreement that the Charter of Human Rights must be entrenched within the Constitution.

If as Attorneys General, we are instructed not to consider whether this should be done, but that the decision has now been made that it will be done and that we are simply carrying out instructions to implement this decision, then I suggest, Prime Minister, that within a matter of months we can come before this meeting with the final document -- and a document that will receive very quick and ready approval.

In our Provinces we are not over-burdened with human rights legislation. I suppose, if I subscribe to the view expressed by some of my colleagues around this table, this is proof positive that we don't need it. But whatever the reason is, it is not because of our lack of belief in this.

We, like Saskatchewan, have implemented a Crimes Compensation Act. In fact the legislation is just about identical. But again if your government, Sir, decided that it would like to assume this responsibility, it would not take too much time or negotiation for us to surrender that cherished right to your government.

On this principle of basic human rights one thing that is becoming more and more apparent in North America -- and the Minister of Justice Mr. Turner, I believe, has mentioned it on occasions lately -- that there is not much point in providing the machinery and giving the assurance of a free trial to an accused if at the same time we do not hand in hand with preserving that right and creating that right give him another right, and that is the basic right to counsel.

This, I believe, is somewhat of a new philosophy that is developing in North America, but surely it is one that we cannot allow to simmer on the shelf for too long. And what I would like to see in any Charter of Human

Rights that is entrenched in our Constitution is a provision that any accused person in Canada has an absolute right to counsel.

And then with this, obviously the Provinces and the law societies (and in most Provinces today we have some form of legal aid) would have to place themselves in a position where this is meaningful and where we are prepared to make the necessary financial contributions to assure that when we give this right we are prepared to furnish the tools to discharge the responsibility.

Once again, may I simply restate the position of Newfoundland, that without any conditions whatsoever we support the proposal that has been made by you, Prime Minister, that the Charter of Human Rights, if it is going to be meaningful and effective, must be entrenched in our Constitution.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Hickman.

Mr. Peterson?

HONOURABLE L.R. PETERSON: Mr. Prime Minister, the views of British Columbia were included in our opening statement, and I am not going to repeat the reservations that were included there as far as the entrenchment of the Charter of Human Rights in our Constitution is concerned.

I think perhaps a case can be made for a limited entrenchment, but I do have some important reservations over and above those that were expressed in our brief.

The first of those is that in my view any substantial entrenchment of a Charter of Human Rights, as other members have mentioned, would I think, lead to a degree of uncertainty in the law in the sense that when any legislature -- and we now have eleven of them, or ten of them provincially and one federal, enacting laws (we would like to see that reduced in number to five, but that is another point) -- but all enacting laws, and any law that affects any of the rights referred to in the Constitution could come before the courts.

Then it would be for the courts to decide whether or not this legislation was ultra vires the power of the Legislature because of the provisions in the Constitution. It would be a field day for the lawyers of the Country in

terms of increased litigation but I don't think it would be in the public interest to do so and certainly as far as human rights are concerned when you think back just a few years you will appreciate the tremendous progress that has been made.

Mention was made of human rights legislation in the Province of Ontario. We also have human rights legislation and there will be further refinement and greater protections afforded at this session of our provincial legislature. If you include some of these rights into a federal charter or into the Constitution then you are going to be missing that very important enforcement aspect we have provincially in terms of conciliation, education and eventual prohibition. Entrenchment of human rights, I would suggest, will lead to conflict between provincial jurisdictions as well.

For instance, if you take the subject of sex ... discrimination! I am hesitant to introduce the subject into these solemn deliberations! Many of us now are including discrimination on the grounds of sex. Provincially we can offer this where we add additional protection to the woman worker. For example, the weight they can lift, et cetera; and mining underground, this sort of thing. There is not any conflict; we can provide this by provincial legislation.

If you look at what happened in the United States where this was included by federal legislation it led to a great deal of litigation between the states and the Federal Government. This is the type of thing that I think should be avoided in our consideration of the subject of entrenchment.

The other thing that bothers me is this: once a provision is made in our Constitution it is very difficult to alter. We haven't even got around to this question yet of how to change our Constitution. Even if we arrive at a formula I suggest it will be extremely difficult to change the Constitution once it has been established.

The question in my mind is simply this: whether the transient political preferences of today should be enshrined for all time in our Constitution. If you look back, as I say, even 20 years ago at the legislation then protecting human rights and compare it with the great amount today if you think of the improvements as far as the trial of an accused person is concerned in that same

period of time, in less than 20 years; if we had been sitting down 20 years ago and discussing the question would we put in the Constitution the same rights we think people are entitled to today?

I would suggest that if we project our thinking into the future perhaps we could concede that there will be people more brilliant than ourselves, hence they may have a broader view of human rights. Rather than putting in these rights into our Constitution, and in effect putting a brake on important social development; or at the very most leaving it to the courts to determine the degree of social development, we should leave it to the Parliament of the day with the hope and expectation that they will further refine and extend human rights as our society progresses.

This, I suggest, should be taken into consideration by the Committee. Certainly I am agreeable, with some reluctance to the appointment of such a Committee. I am sure this will also land on the shoulders of the Attorneys General but I think it would be desirable to have the matter considered by a Committee. Speaking for the Province of British Columbia I would envisage a more limited entrenchment in the Constitution; certainly going as far as ensuring, which we don't do now, that our governments, however many there may be in the future in Canada, are elected democratically and are answerable to the people. There should be a maximum term of office and Governments should not be able to amend their own Constitution to provide longer terms.

I think this aspect has to be looked at in detail. Once you have a Parliament answerable to the people that, I suggest, is the greatest protection that citizens anywhere in the world can have as far as human rights or other rights are concerned.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Peterson. Mr. Smith?

HONOURABLE G.I. SMITH: Bearing in mind your admonition as to brevity I think I can best state our position by saying we believe very strongly in the absolute necessity of protecting those fundamental human rights. Instead of giving you our reasoning and taking up time which perhaps might better be used on some other subject I think we could associate ourselves with the view of Ontario as being about as close to ours as we can expect to find.

We of course concur in the view that a committee should examine the question and see if we can arrive at some acceptable solution.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Sir.

Mr. Gerhart, the Attorney General of Alberta.

HONOURABLE E.H. GERHART: Thank you, Mr. Prime Minister. Alberta has some reservations on the principle of entrenchment. I stress "on the principle of entrenchment" rather than on the principle of human rights. I state this because of our view of the unfettered jurisdiction of Parliament or legislature in its particular field. Then, of course, once we have created an entrenched Charter of Human Rights we then will have to sit back with our children and great-grandchildren to wait while the courts interpret what we have created. This may present some difficulties for some of us here and maybe even for our children.

Alberta has, we think, a responsible tradition in the field of human rights. We have had an ombudsman for some year and a half now in the Province; the first, I believe, in Canada. This works very well. We will be at the session commencing tomorrow bringing in legislation covering compensation for victims of crime and we will be prepared to write in a proviso that we would share part of the costs of this with the Federal authorities, as was indicated by the Attorney General from Newfoundland. We also have a comprehensive programme of legal aid that has been functioning. So while we have reservations in this field we are nevertheless prepared to have meaningful discussions on the principle of entrenchment in the committee that was referred to.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, Mr. Gerhart.

Well, we have, I believe, exhausted this item and not ourselves yet. We have heard from every Province and the Minister of Justice has also stated our point of view. We can see that some agree completely with the idea of a constitutional charter; some agree in part; and someone has suggested perhaps we should begin by proceeding separately with a Federal charter and provincial charters which hopefully would permit us to consolidate them some day.

There has been some disagreement but I think it is quite obvious there has been a great deal of progress since our discussions last year. There has been a general suggestion that rather than argue out the disagreements or points of friction here that we should refer the matter to a Committee of Attorneys General. I would like to accept the Honourable Mr. Hickman's suggestion that we give instructions to come up with a charter but I am afraid this might be a bit too much. There has been some disagreement that I think we have to accept will be expressed at the Committee of Attorneys General. We will have to convince each other. I personally hope that the majority will convince the minority but we must be prepared to accept the contrary.

The officials have worked on some drafts and perhaps it can shorten our debate this afternoon when we talk about the continuation of our work. I wonder if we can agree now on a draft which I think might express this morning's consensus. I will read the following and if there is much discussion I will refer it back to the officials who will be meeting over the lunch hour, but if we can agree on some text this morning it would be that much gain.

Let me read the following lines:

"The Conference of Prime Ministers and Premiers noting '...then we have a choice either...' general interest or general acceptance with certain reservations that have been expressed with regard to constitutional guarantees of human rights, agree that a Committee of Ministers be established to study all matters relating to constitutional Charter of Human Rights and in particular to the rights that should be included in the Charter and the methods by which the Charter should be entrenched in the Constitution".

Now, the debate, if any, I suppose would be as to whether we should note the various views or note the general interest or note the general acceptance with certain reservations. I, of course, would prefer the latter but if there is any -- is that agreed?

HONOURABLE G. EVANS: We, of course, would much prefer the words "general interest" be used and at the end of the statement of consensus the words "whether or

not such rights should be entrenched in the Constitution". That should be up for discussion by Attorneys General.

THE RIGHT HONOURABLE P.E. TRUDEAU: Yes. Then it would state all matters relating to and in particular the rights that should be included, whether or not they should be included.

HONOURABLE G. EVANS: Whether or not they should be included in an entrenched Constitution.

THE RIGHT HONOURABLE P.E. TRUDEAU: The rights that might be included in the Charter rather than "should".

HONOURABLE G. EVANS: Whether or not it should be entrenched in the Constitution.

THE RIGHT HONOURABLE P.E. TRUDEAU: And the method.

HONOURABLE L.R. PETERSON: And then we can agree.

THE RIGHT HONOURABLE P.E. TRUDEAU: The question of whether it should be entrenched and the methods of doing so ... something like that. I am trying to make it linguistically acceptable!

We agree a committee be established to study all matters relating to whether or not it should be entrenched and in particular what rights should be included and what methods by which it might be entrenched. All right.

HONOURABLE H.E. STROM: Mr. Prime Minister, do the words mean "including the question of entrenchment"?

THE RIGHT HONOURABLE P.E. TRUDEAU: The study of matters relating to constitutional charter. I am sorry, I thought you had copies of it.

HONOURABLE L.R. PETERSON: It is different from the copy I had when you read it.

THE RIGHT HONOURABLE P.E. TRUDEAU: Apparently you had one of the earlier versions. I am sorry; I had one of the earlier versions. I get up too early! I was reading: "The Conference of Prime Ministers and Premiers noting the general acceptance with certain reservations or the general interest..."

HONOURABLE L.R. PETERSON: The one I have, Mr. Prime Minister, reads: "The Conference of Prime Ministers and Premiers noting the various views that have been expressed with regard to guarantee of human rights, including those views brought before the Continuing Committee, agree a Committee of Ministers be established to study all matters relating to fundamental human rights, including the question of entrenchment of such rights in the constitutional charter". That would be much more acceptable.

THE RIGHT HONOURABLE P.E. TRUDEAU: We would accept it, too, of course. The only question is whether we could not improve the expression "various views" by indicating that there was more than views; there was general interest. And I don't mind saying there were reservations if you want to talk about general acceptance.

HONOURABLE L.R. PETERSON: "General interest" would be all right. "Various views and general interest". As long as you don't use the word "acceptance".

THE RIGHT HONOURABLE P.E. TRUDEAU: It is the word "acceptance" you don't accept; is that right? So then we will have "general interest" rather than "various views". Agreed?

--- Agreed.

THE RIGHT HONOURABLE P.E. TRUDEAU: "Various views and general interest". If we put "some acceptance" I feel we are damaging our case! At any rate, we will have a chance to look at the final draft over the noon hour, let us assume. Is it satisfactory in French?

HONOURABLE J.J. BERTRAND: Yes. We have the French version.

THE RIGHT HONOURABLE P.E. TRUDEAU: Perhaps we could help you translate it...

HONOURABLE J.J. BERTRAND: We can translate it, no doubt.

THE RIGHT HONOURABLE P.E. TRUDEAU: So we have now reached item 4 (e), Regional Disparities. And I believe it would be acceptable if we ask Premier Smith to lead off on this subject.

HONOURABLE G.I. SMITH: With your permission, Mr. Donahoe, Attorney General and Minister of Health, will deal with this subject on our behalf.

HONOURABLE R.A. DONAHOE: Mr. Prime Minister and gentlemen, I would like to make an opening observation and it is that if in order to deal with the Constitution of this Country we must work together for long hours around these tables, be subjected to lights of the intensity of those that are here and the heat which they generate in the course of a day, it seems to me it is a matter we might at least consider referring to the Society for the Prevention of Cruelty to Animals for its consideration and recommendations having regard to the conditions under which future conferences will be held.

Having said that, I would like to address myself to the topic for which purpose you gave me the floor.

In Nova Scotia's opening statement reference is made to our view of the national importance of finding solutions to the problem of regional disparity. We have expressed our strong belief that the question is one which should be dealt with in the Constitution, and that if a new or amended Constitution is to result from these meetings, that regional disparities and ways of dealing with them should be in the Constitution.

We are reinforced in that view by the fact that the previous Constitutional Conference, in determining the subject matter that should come before this session of the Constitutional Conference, under the heading of "Specific Constitutional Questions", included as Item (e), Regional Disparities, making it clear that we deal with this matter of regional disparity from the constitutional point of view and not merely from the economic or fiscal point of view.

We do not suggest that the regions have no responsibility for helping themselves. On the contrary, we believe that they have the duty to help themselves in every way they can, and just as far as their own resources will permit. But we do believe that the question of regional disparity and the manner of dealing with it falls into two parts: the first part is that if we are to avoid regional disparity we must arrange a system by which government is able to provide services to its people at the uniform level across the country. And the second part of the problem of regional disparity relates to economic

growth and development.

As to the first part we hold it to be the right of Canadians in every region of Canada to have a standard of public services equal to the national average without a burden of taxation greater than the national average burden, and this takes us, of course, into the area of equalization.

We believe that the principle of equalization and the formula for it should be set out in the Constitution. There should be no arguing and bargaining for equalization from time to time. It should not depend upon the attitude or the whim of any particular administration at any given moment.

A formula for full equalization should, in our opinion, be part of the Constitution, and the formula for full equalization should be agreed upon.

Full equalization should contain proper allowances for municipal tax-raising ability and expenditure responsibilities. Such municipal factors are not included in the present formula. The federal representatives at the time the present equalization formula was adopted did not dispute that the formula was in fact incomplete without taking into account municipal factors. Indeed the Minister of Finance at the time agreed -- categorically agreed -- that these factors were excluded only because it would cost more money to include them than he was prepared to say that the Federal Government would find at that time.

As to the second aspect of the disparity problem, economic development, we hold that Canadians in every region of Canada clearly should have opportunities for their own all-round development, and to attain a standard of living reasonably comparable with the opportunities and standards of the average Canadian.

We believe that this as a compulsory general objective of federal policies should be recognized by the Constitution. There should also be written in the Constitution a provision that the Federal Government must apply its fiscal monetary and economic policies -- and I say this in all seriousness -- with due regard for the probable effect of each policy upon each region, and in a manner as little detrimental to the growth of each region as is consistent with the overall objective of the policy.

Putting it another way, the Constitution should clearly recognize the principle that national policies can and should often be applied with regional differences suitable to the different circumstances in the different regions.

The Constitution should also provide that the central government has the responsibility for consultation with the regions concerned, and when I say "consultation", Mr. Prime Minister, I mean what I described it as yesterday, meaningful consultation, not merely discussion, not merely being called here to hear ultimatums, but meaningful discussion where the points of view of all the parties are considered, and where the decisions taken are in fact a consensus of the views thus arrived at -- in consultation then with the regions concerned to establish positive policies with a frankly regional approach designed to achieve a more balanced regional economic development.

We recognize with appreciation, Mr. Prime Minister, your statement in the House of Commons on December 10th, 1968, that there is a danger to the unity of this Country on a language basis, but there is also a danger on the basis of economic disparity, and it should be the intent of any Federal Government to seek justice in both fields, and that both are extremely and probably of equal importance.

We expect that the new federal department will follow this policy, and I am happy to see the Minister in charge of that department at your left hand this morning.

I should like to make it completely clear, however, that Nova Scotia believes that the matter of equalization and regional development should be provided for in the Constitution, and if there is to be a new or amended Constitution, it should so provide.

Mr. Chairman, Nova Scotia wants to emphasize once more that the two preceding Constitutional Conferences agreed that the matter of regional disparity is of prime importance in our constitutional discussions. We expect it to be dealt with by the Constitutional Conferences rather than by any subsidiary bodies.

In addition, we maintain that it is not necessary for the Government of Canada to wait for final constitutional amendments in order to undertake measures which will lessen these regional disparities.

It is most encouraging that the Federal Government has established a new department whose responsibility relates to regional development, and we hope most sincerely that this department will begin to operate effectively in the immediate future. Several governments in Canada have already undertaken measures respecting linguistic matters. The reasons for these governments taking action on linguistic matters are well known to the people of Canada. There are very sound reasons to support our view that a similar high priority should be given to regional disparity problems.

We are not here dealing with the detail of appropriate policies; we are concerned to develop and to include in the Constitution provisions which will make clear the kind of responsibility I have just mentioned.

We again point out that if the problem of disparity is to be attacked with any hope of success, the approach must be frankly regional in character, and massive in size. We do not need to argue now that the problem must be attacked; that was decided at the Conference of last February.

There are several obvious courses of action which might be taken by the Federal Government without awaiting constitutional changes which could assist in lessening regional disparities.

National policies relating to federal expenditure do not have to be applied with the same weight or vigour in all parts of the Country at the same time. During a period when it is desirable to restrain economic activity nationally, the opportunity could be used to increase government expenditures in those areas in which economic activity has been depressed. In other words, at a time when a cooling-off period is desired nationally, policies can be applied in less prosperous regions which would assist these regions in catching up economically with the more prosperous regions.

If during such a period of economic restraint national expenditure policies restrain less prosperous regions, these regions will be set back further economically, creating even greater problems than exist at present.

We do wish to point out that the regional approach is nothing new in Canada, and that it has been applied to

the best-developed region in Canada.

Last February we showed how the policy of encouraging the development of Canadian industry by tariff protections, whether or not it was so intended, in fact had a decidedly regional result in that it concentrated most of our industry in one region. We did not and we do not now complain about that policy. We merely point out its results. We agreed that it was good for Canada as a whole, even if it was much better for some regions than for others.

I should like to draw attention to another clearly regional policy of great magnitude which has resulted in great advantage to the most rapidly developing region. It is good for that region. It is no doubt good for Canada as a whole, but it has had a very serious adverse effect on other regions. And again we did not complain of it. We merely point it out as an example of regional policy. I am referring, of course, and I am sure you are way ahead of me, to the St. Lawrence Seaway.

It is one of the largest enterprises in a Country in which large enterprises abound. It was financed by money raised upon the credit of all Canadians; its deficits have been met from the money of all Canadians.

It has undoubtedly been of substantial benefit to some regions of Canada, to some Canadian ports, and to the Country. Equally clearly it has adversely affected ports in other regions of Canada. Once more I say we do not complain about it. Once more I also say that it is the result of a clear regional policy although for the good of Canada.

There are, of course, other regional policies, some of which have been clearly aimed to help the Atlantic region.

Three examples are the former Atlantic adjustments grants, the Cape Breton Development Corporation, and the Atlantic Development Board. We freely acknowledge their usefulness, and express appreciation for them. It is clearly beyond argument that this Country frequently followed policies which have been plainly regional in intent or result or both.

Now, we say simply that the principle must be recognized in any new or amended Constitution, and we further say that there is no subject in relation to

constitutional review which is more important.

Mr. Chairman, Nova Scotia submits that the Constitution must contain the following provisions which relate to problems of regional economic disparity.

We believe that the principle of equalization and the formula for it should be set out in the Constitution. There should be no arguing and bargaining about equalization from time to time. A formula for full equalization should be part of the Constitution.

There should also be written into the Constitution a provision that the Federal Government must apply its fiscal, monetary and economic policies with due regard for the probable effect of each policy upon each region and in a manner as little detrimental to the growth of each region as is consistent with the overall objective of the policy.

To put it another way, the Constitution should clearly recognize the principle that national policies can and should often be applied with regional differences suitable to the different circumstances in the regions.

The Constitution should also provide that the central government has the responsibility in consultation with the regions concerned to establish positive policies with a frankly regional approach designed to achieve a more balanced regional economic development.

We believe that this matter of regional disparities and the manner in which it should be dealt with in the Constitution is of such paramount importance that we believe it should be referred to a Committee which would consist of Ministers or perhaps preferably should be dealt with in a Committee composed of Heads of State and that we should not allow this matter to be delegated or relegated to a Committee of Officials who would perhaps regard it as merely one other item. In other words, we believe that the method of dealing with this question of regional disparities and how it should be dealt with in the Constitution is of such paramount importance that it should receive treatment in accordance with its importance.

Thank you.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, Mr. Donahoe.

HONOURABLE L.J. ROBICHAUD: Prime Minister ---

THE RIGHT HONOURABLE P.E. TRUDEAU: Mr. Robichaud?

HONOURABLE L.J. ROBICHAUD: I have a text but perhaps in the interest of brevity I should dispense with it.

Perhaps I should thank you Prime Minister, and all the other Premiers, for the interest that they are showing in the economy of the Atlantic area for having allowed this item of regional disparities to be included on the agenda of this Conference.

Over the years you people from other parts of the Country have heard of this problem of economic disparity in our Country which affects us more perhaps than in any other part of Canada.

Over the years we argued that something dramatic should be done to alleviate the burden that the residents of the Atlantic area have to support.

Over the years successive governments and people in this Country have been listening to us with very sympathetic ears and over the years a lot of patch work, I should say, has been done.

It is most humiliating for us to appear before this august body and before the Canadian nation and appear like beggars. We are not beggars. We do not want to be beggars. We simply want our fair share of the national wealth.

I should say that over the years our argument was very eloquently submitted to various authorities. It was eloquently submitted yesterday by the Premier of Newfoundland, Mr. Smallwood, and we all know he is very eloquent and he can make a point when he wants to make it.

It was also very eloquently stated a few moments ago by Mr. Donahoe that we needed something dramatic.

Yesterday Premier Smallwood said that the per capita income in his Province is approximately half that of Ontario and that is true, but he didn't say everything he could have. He didn't say everything. The per capita income of the residents, the workers or everybody in the Atlantic Provinces is half that of Ontario, but our taxes

are double those of Ontario.

Now, we are Canadians and we want to remain Canadians, and over the years we have got this situation.

Perhaps there has never been a Prime Minister of Ontario as sympathetic as Prime Minister Robarts to our problems. He wants to do something about it. He wants to find a formula and we have found some sort of formula with the equalization formula, certain agencies such as FRED, ARDA, and the Hydro Development Programme.

This, I submit, is patchwork, but I would like to go back to what I was saying. Our taxes are double what they are in Ontario. In fact the municipal taxes and the provincial taxes are double. That is not all. We, for instance, buy a car in the Atlantic Provinces. Everybody has a car. It is no longer a luxury to have a car. It is a necessity of life. We buy a car which is manufactured in Ontario. We pay \$300 to \$400 more than the resident of Ontario has to pay for a car, just to buy it; and after that car is purchased then we have to pay much higher taxes than the resident of Ontario has to pay in taxes to operate his car.

Now, in so many areas we are -- let us put it bluntly -- somewhat discriminated against. Why -- because of transportation problems, of course, but I am wondering if something really dramatic should not be done and now. I do not think we can wait any longer.

I do not know what the solution is but let us think for a moment of the abolition of tariffs between the United States and Canada if that were feasible, along the Atlantic border with the United States not the rest of Canada, they don't need it. If that were feasible, do you know what it would mean? It would mean that every resident of the Atlantic Provinces would save approximately \$1,000 for the purchase of a car -- \$1,000 for the purchase of a car per citizen.

Now, there are some I would say, roughly in the Atlantic Provinces maybe three hundred to four hundred thousand cars purchased a year and ---

HONOURABLE J.R. SMALLWOOD: More

HONOURABLE L.J. ROBICHAUD: And even more.

Suppose you would say \$1,000 per car, that would be \$300

million or \$400 million saved by the residents of the Atlantic Provinces that we could inject into the economy of the area. I don't know if that is feasible. I don't know if that is feasible but this is one thing that possibly could be done to alleviate our situation.

In New Brunswick, for instance, and they are doing the same thing in Nova Scotia and Prince Edward Island and Newfoundland, with our limited resources we have to help industry establish within our own boundaries in our jurisdiction and in New Brunswick with a little better than six hundred thousand of a population, we had to guarantee to a mining company \$40 million so that they could establish in New Brunswick. We had to guarantee to a pulp and paper company I believe it is \$30 million to establish a 70-acre \$80 million pulp and paper mill. With our limited resources we did that.

Of course, we have a lot of other guarantees but so that these companies could establish and compete on the market and so that they would not have to pay an exorbitant rate of interest, the government with our limited resources had to come across and guarantee these loans.

Why doesn't the Industrial Development Bank of Canada do it at a fair rate of interest to companies that wish to establish in these "not depressed" but "have less" areas as Premier Smallwood put it yesterday.

There are so many things that could be done that would not be patchwork.

Premier Bennett would welcome anybody moving to his Province and I do not blame him.

HONOURABLE W.A.C. BENNETT: I left New Brunswick.

HONOURABLE L.J. ROBICHAUD: Of course he did. He left New Brunswick and he went to British Columbia and became extremely prosperous and a lot of people did that. They moved to ---.

HONOURABLE J.R. SMALLWOOD: Moved into Alberta on the way along.

HONOURABLE L.J. ROBICHAUD: That is right. He stopped off and made a few millions and then kept on going.

But you know our people leave because opportunities are better elsewhere and unless we can keep our young people and unless we can use their brains to better economic advantage at home, we are going to continue to lag behind the rest of the Country.

It was stated by Premier Smith on Monday, I believe, that we don't want to have higher or even equal standards of living as the people living in Central Canada because we are so happy with our climate and we are on the sea-board. There are so many advantages for us to live in the Atlantic Provinces but we should not be so far behind the national level; and, Mr. Prime Minister, as I said a lot of people have eloquently put this problem forward, I do not think anybody yet has put it as firmly and as eloquently as you did during the last campaign when you, over the whole of this Country, insisted on the irradiation of regional disparities. I know that you intend to do something about it. I know that you are very sincere in this.

You have created this Department of Economic Expansion; the Regional Economic Expansion with Mr. Marchand.

We have great hopes that this will really be a department that will help the Atlantic areas. But not only the Atlantic area for there are some other parts of Canada that need this Department of Regional Economic Expansion.

We would like to be consulted on everything that is done to help us reach the national or approach the national level.

Mr. Donahoe put it very, very clearly a few moments ago when he said that we must be consulted. We must not be given a blueprint and told accept it or leave it. I think your intentions are really good and I think that Mr. Marchand and the Prime Minister really want to do something about this problem.

I repeat this. It is very humiliating year after year to have to come before the Canadian people and repeat the same arguments over and over again.

I simply want to close by saying that something really dramatic has to be done for the people of Joey Smallwood, the people of Alex Campbell, the people of G.I. Smith and the people of Louis Robichaud. I know you

can do it. I have hopes.

Thank you very much.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, Mr. Robichaud.

HONOURABLE A.B. CAMPBELL: I would like to join in and add to those eloquent words of my colleague from New Brunswick and the people of Canada.

Certainly it is a national issue. It is a national concern and to come to grips with the regional disparities of Canada, especially as they exist in the Atlantic Provinces, is surely one of the great concerns recognized by the Confederation of Tomorrow Conference at our first Constitutional Meeting. Let us not allow our minds to stray from the very great need to meet these disparities and the very real dangers of failing to come to grips with them.

May I, Mr. Chairman, at the outset recall the words of a very good friend of mine who represents the Province of Ontario, the Prime Minister of Ontario, when he suggested to you yesterday that you might forget everything that happened prior to June 25th.

Prince Edward Island, of course, takes great issue with that suggestion and at the outset of my remarks, Mr. Chairman, let me bring to your attention, and to the attention of the Government of Canada the terms of Union under which Prince Edward Island became a Province of this great Country of ours.

In 1873 the Government of Canada assured Prince Edward Island that henceforth the Federal Government would take full responsibility for continuous transportation between Prince Edward Island and the mainland. Since that time various efforts, some successful and most not, were made to assure Prince Edward Island a form of transportation and communication with the mainland.

Obviously, Mr. Prime Minister, I am referring now to the Prince Edward Island Causeway, which has been a much promised project for the Atlantic Provinces, and especially for the Province of Prince Edward Island.

My associate at this table today is a former Premier of Prince Edward Island who himself received the

assurance of the Government of Canada, and therefore the people of Canada, that this crossing would be undertaken. And I myself have received from your predecessors in office, Mr. Prime Minister, very positive and definite assurance that this long-promised and long-awaited project would in fact be undertaken.

It may be helpful to you, Prime Minister, in reaching your decision, if I were to underline the dangers of the short term approach which might save the Canadian people tax dollars. My latest information would indicate (and this has been well researched) that the cost of the Prince Edward Island Causeway, would be in the area of 160 millions of dollars. But let me remind you of the cost of continuing the ferry service between New Brunswick and Prince Edward Island over the next 60 years. It would be in the vicinity of one billion dollars.

I believe that the people of Canada deserve to be told what the long-term implications are, and that this is not, in fact, a handout to Prince Edward Island. It is not "boondoggle" to Canada's smallest Province, but a transportation link of great significance and importance to the Province of Prince Edward Island, and, in the long run, one which will save the taxpayers of Canada a great deal of money. The failure to provide such a work, and nothing short of providing such a work, would be regarded by the people of Prince Edward Island as highway robbery.

Mr. Chairman, I wish for a moment to turn to matters which have some relevance to regional disparities and which have evolved as a result of our discussions here during the last two days.

We noticed from the earlier newspaper releases that the Western Provinces propose to march on Ottawa and to demand better tax bills and more money to meet their ever-increasing expenditures.

It occurred to me, Mr. Prime Minister, that the Western Provinces have now reached the position which we in the Atlantic Provinces reached 25 years ago. The financial difficulties of the Western Provinces, indeed of the Central Provinces as well, have in recent years been the more difficult because of the swelling expenses of education and the social services which this country endeavours to extend to Canadians from coast to coast.

When we reached this position 25 years ago in the Atlantic Provinces we had but one recourse. We began to deficit finance. We taxed our people to the fullest extent possible. And we began those annual treks to the fiscal conferences where premier after premier, year after year, pounded the desks here in Ottawa for equalization, and received the reaction from the rest of Canada that the Atlantic Provinces were returning, once again with hat in hand, for additional handouts.

We see the real danger being faced by our Western friends. We see the very real dangers of both federal and provincial governments spending or financing too much money.

This, of course, has been the whole story in the East, in the Atlantic Provinces. And I might just outline my thoughts on regional disparities.

Certainly the Atlantic Provinces have been unable to improve their relative position in Canada. We have been making gains, as Premier Smallwood indicated yesterday, in narrowing the gap. But we have not done enough in closing the gap.

Secondly, disparity in the Atlantic Provinces has been consistent for generations, unlike the Western Provinces' present problems which are more recent.

During the thirties we recall the very severe problems that some of the Western Provinces experienced. We recall in 1934 having the opportunity to send relief supplies to Saskatchewan to help it out during the drought.

HONOURABLE D.G. STEUART: Dried apples!

HONOURABLE A.B. CAMPBELL: Saskatchewan was able to recover. Saskatchewan was able to find the investment capital. Saskatchewan was able to develop its resources. And Saskatchewan today is one of the great Provinces and one of the wealthy Provinces of Canada.

We hope for reciprocal arrangements through equalization and through other programmes, about which I will talk in a moment.

Throughout this period, Mr. Chairman, it is also appropriate for us to suggest that all governments at all levels have been in agreement that there was need to come to grips with the regional disparities in the Atlantic

Provinces. There was agreement between all governments at all levels that the gap must be closed, and various efforts and various endeavours were undertaken -- big projects, subsidies, mobility incentives. But none of these have been successful. And all of them together have failed to provide the answers to our problems.

I think we could add another incident as well, Mr. Prime Minister, of regional disparity. There has indeed been an element of alienation when we in the Atlantic Provinces see the priorities given to great national undertakings, and look at our own needs. Such have the tendency to produce some form of alienation, which this Country does not want, and cannot have, if we are to have a united Country. We do not want, and we do not need, distrust or suspicion.

In summary, then, Mr. Chairman, we conclude that Canada, and Confederation, has failed to answer the problem of regional disparities. Time is running out. Now time is running out especially for the Province which I have the honour to represent at this Conference.

Arising out of all that I have said and observed to this point, I keep coming back to your words, Mr. Prime Minister, expressed on an earlier occasion. And I quote: "If the underdevelopment of the Atlantic Provinces is not corrected, then the unity of the Country is almost surely destroyed".

Here is a statement which recognizes the very essence of our present difficulties in the Atlantic Provinces. But these are words -- words, granted, which recognize the vital importance of the issue; but the problem will not, of course, be resolved by words alone.

And I might suggest, Mr. Chairman, that in addition to those words and in addition to your recognition as the Prime Minister of all Canada, there must be joint action of determined governments at both levels. The government of Canada must be able to allocate substantial financial resources to resolve the problem of regional disparities.

It is equally important that in all matters of development, as well as in matters affecting the Provinces, and taxation, and various other programmes and social service programmes, there must be full and meaningful consultation. If there is any consensus at this Conference,

it is apparently for the need for full and meaningful consultation between the Federal Government and the Provinces such that federal fiscal strength does not force decisions on the Provinces.

I can think, for example, of the statement someone made to me. The Federal Government was negotiating with the Province of Alberta some form of development scheme for an area within that Province. I cannot vouch for the truth of this statement, but apparently the Federal Government, which would finance a good share of the programme, indicated that they would only do this and that certain strings would be attached.

Alberta is in a position to say to the Federal Government, "If that is the way you want it, we go it alone". Prince Edward Island is not in that position. And Prince Edward Island relies upon the fiscal resources which the Federal Government is able to bring to bear on our problems.

Furthermore, where decisions are being made in Ottawa affecting the Provinces of Canada, Prince Edward Island believes that the Government of Canada has a duty and an obligation to first seek the advice of, and to conduct consultation with the Provinces.

This leads us to the other emerging issue at this Conference. I believe, Mr. Prime Minister, that the Federal Government and the action of the Federal Government cannot become the subject of agreement of all Provinces. We cannot, as Prime Minister Robarts said to this Conference yesterday, place the Federal Government in a straitjacket and seriously jeopardize the initiative which the Federal Government will take in the common and general interest.

All of us should seek, and all of us should be prepared to propose the mechanisms, the methods by which, somewhere in between these two positions, we can effectively arrange meaningful discussion with the Federal Government. As Premier of Prince Edward Island, if I say nothing more to this Conference, I strongly urge you as Prime Minister to "plug in" the Premiers in this process. It may be, Mr. Prime Minister, a very effective way of "plugging in" the people.

Having suggested greater involvement in the decision-making process, may I make a suggestion, for what it may be worth? It seems to me, Mr. Prime Minister, that the

ongoing work of this Conference will require us, as First Ministers, to gather in the capital city on at least two or three more occasions this year, and the subcommittees on many more occasions. A great deal of travelling, a great deal of delay will be involved in arranging such meetings, freeing Ministers from their provincial responsibilities, which are already onerous.

Perhaps in each one of the capitals of Canada, including Ottawa, closed circuit TV might be arranged so that meetings between the Federal Government and the provincial representatives can be arranged almost instantaneously.

I make this as a suggestion, but I can think of its useful implications and significance not only for further and continuing meetings of this Conference, but for further meetings of provincial Ministers of Education, where they can go to a central room in their capital city and speak instantaneously with the Federal Government and Ministers responsible there.

In conclusion, Mr. Chairman, may I suggest that I am happy, however, that on the basis of my very recent discussions with your Minister of Forestry and Rural Development, the Honourable Jean Marchand, I am confident that Canada and the Province of Prince Edward Island will very soon, and after five years of research, study and negotiation, enter into a major and joint development programme for the Province of Prince Edward Island. I see this move, Mr. Prime Minister as a significant achievement in our joint efforts to come to grips with the problems of regional disparity as they apply to the Province of Prince Edward Island.

Thank you.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Premier Campbell.

Premier Weir?

HONOURABLE W. WEIR: Mr. Prime Minister, I would like first of all to associate myself with the principles as they have been outlined by our counterparts in the Eastern Provinces.

I have cut down quite a bit on what I had intended to say, Mr. Prime Minister, because I know of the time

schedule and the work before us.

One thing I would like to say, though, is that we should, I would hope, approach this not from a depression psychology but from a developmental one because it is my view that in Canada we have wealth, that we have opportunity, and above all we have potential, and what our need is is the orderly development of it at a pace that we can afford to travel.

The current term that is in vogue of regional economic development in Canada is regional disparities. There is some confusion as to what we mean by "regional disparities".

This confusion I think exists in the minds of elected representatives, of citizens, and of public servants as well. There is confusion about the "term regional disparities" because the word has a negative rather than a positive connotation. We really mean regional economic development, and I would make a suggestion: let us start talking about regional economic development.

After having struggled with a definition, I have come to the conclusion there is really no effective way of defining regional disparity.

Regional economic development in a national context simply means to me that we are committed in Canada to an economic development programme.

There are national and provincial goals in regional economic development. National goals of economic development in Canada can only come about on the basis of a well-balanced approach to economic development in the ten regions of Canada, the ten Provinces of Canada.

There has been a strong tendency on the part of the Government of Canada to hold the view and carry out policies on the assumption that national economic development would take place at the fastest rate if most of the effort was concentrated in the Golden Horseshoe area of Central Canada, and, to a degree, in Montreal and Vancouver. If this has not been the belief, it has been the result, to a certain extent, as has been indicated.

The whole concept of economic development in Canada is not new. Indeed, Sir John A. MacDonald, one of the Fathers of Confederation, had regional economic development in mind when he pushed the railway across Canada. Indeed

he is quoted to have said, "Until the railway is built across Canada there is no hope for this Country of Canada".

In all deference, Sir, to Sir John A. MacDonald and the great contribution he made to building Canada, I would not be surprised if historians would agree that the prime motivation of the people behind the building of the railway at that time was to ensure that Central Canada had access to the rest of Canada as a hinterland for the development potential of Central Canada. I do not see anything wrong with the motives behind that thought.

The Province of Manitoba feels very strongly about the matter of regional economic development, and indeed we have made quite a few efforts toward that development within the Province of Manitoba.

We have addressed ourselves seriously to the proposition of sub-regional economic development in Manitoba as a measure to ensure maximum regional development.

If one is to sum up the philosophy of our regional economic development, it is a programme designed to ensure maximum income for the people of Manitoba and so allow them to make their maximum contribution to the economic growth of Canada.

An approach is under way in Manitoba under the federal-provincial FRED programme in the Interlake region. The Interlake programme is the most comprehensive approach yet taken in Manitoba, and maybe even in Canada, towards the matter of regional economic development in a subregion of a Province. Indeed in the days of difficulty in federal-provincial relations, it is really the one bright spot that I see in our relations with the Government of Canada.

We are seriously entered into a programme here of joint planning, joint programming and joint financing, culminating in a ten-year signed agreement between the two governments and a firm commitment to the citizens of the Interlake area to join with them to come to grips on this matter of economic development.

In regional economic development it is recognized that the creation of job opportunities to a large degree will come from industrial development, but it also recognizes that regional economic development has a much broader context. It includes the whole matter of roads, schools, primary resources, industry development, water supplies, sewage disposal, health and social service programmes.

What we do in road development can have a major impact on the economic development in a region, or in a Province.

My major concern at the present time is that if we are to carry out this kind of programme and obtain maximum regional economic development so necessary for achieving national economic goals in Canada, the Provinces must have the necessary fiscal capacity.

My alarm at the present time is with respect to our federal-provincial relations. In recent times with federal-provincial fiscal policy such as Medicare, the Provinces by national policy are being forced into programmes of a lower priority than what our provincial government would feel should be placed within the region at this time.

The Province recognizes major investments in roads, communications, education, training and manpower development should take a place in a region like Northern Manitoba, but we are left with not enough money in the cash register as a result of having federal fiscal policies forced on us.

The issue of regional development has been discussed at some length here. It is quite clear that until the time arrives some years hence when we do have a new or an amended Constitution, we must have fiscal resources to meet our present commitments under our present Constitution, and in this matter, I urgently requested yesterday that you advise the Canadian people that the leapfrog approach to costly shared programmes is over. I requested that you announce that your government will not increase taxes in the joint -- and I emphasize the word "joint" -- tax field; that your government will not introduce new shared-cost programmes; that your government will not abandon or reduce present shared-cost programmes without consulting the Provinces and without reaching some reasonable consensus within that framework.

I am a little bit afraid for the Canadian taxpayer and I would ask that you give the taxpayer this assurance and that you give it to him today.

THE RIGHT HONOURABLE P.E. TRUDEAU: Would you be prepared to give us the same assurance that you would not raise taxes in any area, too?

HONOURABLE W. WEIR: No, Mr. Prime Minister, I did not ask for that assurance.

THE RIGHT HONOURABLE P.E. TRUDEAU: You said we should not raise ---

HONOURABLE W. WEIR: In the joint tax field.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, what other ---

HONOURABLE W. WEIR: We are the only area of tax field that we have got.

THE RIGHT HONOURABLE P.E. TRUDEAU: Property taxes.

HONOURABLE W. WEIR: Well, that is within the municipalities, and it is really outside our jurisdiction unless we change our law.

THE RIGHT HONOURABLE P.E. TRUDEAU: Municipalities are hardly outside your jurisdiction, Premier Weir.

HONOURABLE W. WEIR: Well, within our law it is their sole responsibility to look after their services. We can take it away and administer it within our elected framework. We do not believe this is the answer.

Are you suggesting that the answer to the federal fiscal problem is to load the deficit on the municipalities?

THE RIGHT HONOURABLE P.E. TRUDEAU: No, Premier Weir. I am suggesting if you ask us not to increase our taxes in any area which are shared with you, I expect the Provinces would have to make the same promises that they would not raise any tax ---

HONOURABLE W. WEIR: Mr. Prime Minister, I did not ask you that at all. I asked you ---

THE RIGHT HONOURABLE P.E. TRUDEAU: It sounded very much like that to me.

HONOURABLE W. WEIR: I asked to consult us.

THE RIGHT HONOURABLE P.E. TRUDEAU: You don't consult us when you raise your property taxes or when the municipalities do.

HONOURABLE W. WEIR: Well, there is no point in us arguing it. I have made my request. I gather the people of Canada have received their answer.

THE RIGHT HONOURABLE P.E. TRUDEAU: I have made mine, and I would make it to all the Provinces. I think this can be done by consultation, and that was the sense of the item yesterday. I do not want it to emerge from this Conference that we are the villains every time we increase taxes.

The Provinces increase taxes. We heard from some of the poorer Provinces that have increased way beyond the richer Provinces. They have not consulted us each time they do it. So I do not think it is fair to ask us to give a promise that we won't change our budget without consulting the Provinces.

We are prepared to look at the basic question and the way in which we can help the Provinces, but if you argue, Premier Weir, on the one hand that the Interlake scheme is a good one because the federal spending power or the ability of the Federal Government to help you develop a less favoured part of your Province is a good thing, it is good for other Provinces, too. We have to tax the rich Provinces in order to help this kind of development in your Province.

HONOURABLE W. WEIR: You just really expressed the essence of my request. The right kind of programme in both fields. Because the FRED programme required the Province of Manitoba to change priorities in many of its fields to be able to fit in with the advancement that was coming from Ottawa on a ten-year commitment. Changes in priorities for road construction and water control and things like that have been advanced to be able to meet this joint impact as a result of the negotiation that has gone on between Canada and Manitoba.

With that kind of consultation and if the need and desire is there, I do not think you are going to have the Provinces arguing about you increasing the taxes if this is the place where the money should come from. But when it is done we should know that they have the ability to match it.

HONOURABLE J.R. SMALLWOOD: Prime Minister?

THE RIGHT HONOURABLE P.E. TRUDEAU: Premier Smallwood.

HONOURABLE J.R. SMALLWOOD: In talking about regional disparity, may I begin by paying tribute, as

Mr. Robichaud did, to the Premier of Ontario, Mr. Robarts. I do not forget that in the great conference he held in Toronto, or just around that time, he made a suggestion that what appeared to be a large sum, and was a large sum, a thousand million -- a billion dollars -- should be set aside for the development of the economy of the four Atlantic Provinces.

That was a generous thought. It was a civilized thought. It was not enough money, but it was a kindly thought. Coming from Canada's richest Province. I have not forgotten that, and with Premier Robichaud, I agree that Mr. Robarts is a friend to the idea -- or not unfriendly, I suppose, provided it does not cost Ontario too much -- friendly to the idea that Canada as Canada, the Parliament, the Government of Canada as such, doing something, something more than has been done to help these four Provinces to develop their own economy; not just to be poorhouses for Canada. Still less to be poor, dependent colonies of Canada.

Incidentally, we were a colony until just 20 years ago. Twenty years ago just before the stroke of midnight, March 31st coming, we will have ceased for 20 years to be a colony. We were a colony for nearly 500 years, and we know all about it. We don't like it. We don't want to go back to that status, even to be a Canadian colony. Still less perhaps, a Canadian poorhouse. So we do appreciate what Mr. Robarts said. That is a year or so ago.

Prime Minister, a few months ago I invited a high-ranking official of our Department of Finance to travel across Canada and meet the premiers and their ministers of economics or whatever was the local equivalent of a minister of trade, industry, commerce, economics, and bring back to me in St. John's a description of what each individual Province was doing, the government in each Province, to attract industry to its soil.

I got an eye-opener. The first eye-opener I got was the fact that virtually all Provinces across Canada are making strenuous efforts to attract industry to their shores or to their soil. And by "strenuous efforts" I mean financial efforts, loans, cash, subsidies, subsidies of land or cash or buildings or machinery. That was my first great surprise.

My second was that the Province that does most in that direction is the one that you would think least needed

to do it: the great industrial heartland of this nation, the Province of Ontario.

If you want to start an industry in Canada, go first to the Premier of Ontario because from him and his administration you will get more help, more encouragement of a practical character, than you can get in any other Province. That is known in Newfoundland as feeding the fat sow!

As a matter of fact, you know if you go back just a little bit, go back to the eve of the First World War -- that is not terribly long ago-- at that point there was not a great level of difference between Ontario on the one hand and the then remaining eight Provinces. Not a vast amount of difference. But that First World War put Ontario really on the industrial map in Canada.

She had got a flying start when the war ended and the Depression ended and then a new wave of growth started in Canada and then came the Second World War, and what that did for the industrial economy of Ontario was fantastic. It did it for some other parts of Canada at the same time, but not on the same scale, so today we have in North America here a great area and industrial empire, the empire of Ontario.

We should be proud of it in Canada. We should be very happy that it is there but they are not the only Province that does that. All of them except perhaps Prince Edward Island perhaps -- I don't know -- I think they have done a little there as well -- perhaps British Columbia.

I was asking the Premier yesterday. He said, "No, no. They line up" -- I am paraphrasing what he said to me.

HONOURABLE W.A.C. BENNETT: No, no.

HONOURABLE J.R. SMALLWOOD: I will use my words. I will use my words to describe the impression I got of his words. In effect, he said, "They are lining up. The line forms on the left, those that want to come in, but you take your turn and no pushing. We will deal with you in due course". And the industries are pouring into British Columbia and this does my heart good because I remember equalization. This makes me very happy to think of the vast development in these two great Provinces.

Now, I telephoned the British High Commissioner to Canada and to the Ambassador of France to Canada, the Ambassador of West Germany and a number of others -- Italy and several other European countries here in Ottawa. I phoned each one of them. I said, "Would you be kind enough if I asked a man to go along and see you to tell us what your countries do back home in Europe to attract industry to your shores"?

"Certainly".

So a man came and he brought me back a description of what is done in those various countries.

I sent a man down to Central America and to the Caribbean and I have now a written report of what those countries and colonies and islands are doing to attract industry to their shores.

Then I sent someone to the United States and I discovered that virtually every one of the forty-eight continental states in the United States goes to enormous effort and enormous expense to attract industries.

It is fantastic. There is a bank in Boston -- if I could remember the name I could tell you so you could write and get it -- there is a bank in Boston that publishes a monthly paper telling the latest developments in the United States of industries establishing in this and that or the other state attracted there by the industrial and tax incentive offered by these various states.

Then I heard since then -- I have written them but I haven't yet heard -- there is a commercial concern in New York that is like this firm in Canada that publishes the CCH -- there is a firm something of that nature in New York which described every development taking place anywhere in the free enterprise world, tells of the establishment of new industry and how they are, why they are and the means by which the various countries or parts of countries attract industries to their soil or to their shores.

In other words, Prime Minister, the fact of the matter is that there is not a country in the free enterprise world today and obviously in the Communist world -- it is commonplace -- it is the way it works. It is the way it is in those countries but in the free enterprise country there is not one that leaves the development of

its economy to the accidental or coincidental or haphazard play of the markets of free enterprise.

Everyone of them, without exception, is offering every kind of an inducement and help to bring industry or to help industry.

Let me give you an example. You know that in the United Kingdom every employer in the nation bar none, even the housewife who employs a housemaid -- every employer in the United Kingdom is required to pay a tax to the Government of England, the United Kingdom, known as the selective employment tax, for every employee. The housemaid, the industrial worker, every employee in the United Kingdom. The tax is I think about 20 shillings the ordinary employer must pay to the British Government for males; I think it is 12 shillings a week for females. This brings in many millions of pounds naturally and you know what they do with it? They pay it over as a gift to the industries established or establishing in the areas which they have in their -- the Atlantic Provinces -- in the areas which they have designated to be under-developed or undeveloped.

Now, millions of pounds -- I would say this is subject to checking -- this is subject to correction; but I sent an extraordinarily able man to England to talk to the British Government and find out what it is they did, and I myself sat in with the ECGD in London, the Export Credit Guarantee Department of the United Kingdom, where we discussed the matter of the United Kingdom Government guaranteeing export credits for famous English companies who manufactured this and that and the other kind of machinery, to guarantee ten years' or eight years' credit to help them to export their goods to Newfoundland, to Canada; to establish an industry in Newfoundland. And they did it for exports all over the world.

Do you know that France -- I negotiated in France with the French Government... Excuse me; I didn't negotiate. I accompanied someone who did the negotiations with the Department of Trade. I want go get this clear. I don't want this to be misunderstood.

There was an industrialist who wanted to establish an industry in Newfoundland with the help of the Newfoundland Government, and that the machinery and equipment for that industry would be made in France. So he went to France and we went along with him and we met this great corporation. Well, the corporation said, "Well, a certain

bank has to approve it," so we went and saw that bank and then they said, "The Export Department of the French Government will have to approve it." And so the bank went along and this man went along and I tagged along with him.

Do you know that the French Government agreed to guarantee for eight to ten years every dollar. That ran to something like eighty millions of dollars guaranteed for eight to ten years; the export credits needed by the exporter, the manufacturing concern, to help them to get the order, to help them provide jobs, to help them to provide wages and to help to stir and stimulate the French economy.

You will get the same in Western Germany. Right now I hope to have an industry in Newfoundland which the Governments of West Germany, Switzerland and Austria have agreed to guarantee. They have agreed to guarantee the export credits.

In short, every government in the world, in the free enterprise world, except relatively speaking the Government of Canada (and I say only relatively speaking, the Government of Canada) do something to help underdeveloped parts of the economy of the nation to get help.

Let me give you an example. In the State of Missouri there is a little town near the **border** separating that state from the next state, a little town called New Madrid. New Madrid, Missouri, population 2,800 -- twenty-eight hundred. They have just floated a bond issue of \$98,600,000 -- twenty-eight hundred population. This is a tax-free bond; exempted from taxes. Do not smile till you have heard the whole story and then you might look a little sad.

The American Government relieved that bond issue of federal taxes, meaning that anyone who bought those bonds would not pay tax on the income received from the bonds so they were able to float a bond issue of \$98,600,000. What for? To build a thermal plant to produce electricity. What for? To supply an aluminum plant. Whose aluminum plant? A Canadian company's aluminum plant.

The tax-free bond, free of taxes by the Government of the United States is made possible only because it is tax-free and that tax-free bond attracts to a little town of 2,800 in the State of Missouri a huge Canadian industrial corporation, which has decided to move in there to

manufacture the aluminum.

There is a case of industry which is created in the United States by the United States Government policy of exempting bonds that had to be sold to raise the capital to build a thermal plant to attract an aluminum industry.

Tax-free bonds could be just one way. If you would permit us for ten years or five years reviewable at the end of that time, permit industrial bonds to be sold in the Atlantic Provinces exempt from Canadian Government tax on the income from the bonds, this might be one way of attracting large blocks of new capital into the Atlantic Provinces. I don't know; it might be one way.

There are two million Canadians down there on the Atlantic Coast, Sir. Two million loyal Canadians. Nova Scotians, Prince Edward Islanders, Newfoundlanders, New Brunswickers. I just asked the Premier of Quebec a few moments ago what would be roughly the population. Now, he hadn't counted it up. He couldn't tell me instantly out of his memory. But what would be the population of the most easterly part of Quebec, the part that is snug cheek-to-jowl with Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island -- the most easterly part of Quebec: at least a million Canadians.

HONOURABLE J.J. BERTRAND: Gaspé -- if you permit-- the Gaspé Peninsula; about three hundred thousand.

HONOURABLE J.R. SMALLWOOD: The Gaspé Peninsula is the most dramatic part of that section but east of a certain line that you can draw, north and south, in the Province of Quebec, east of that line would be about one million people.

Now one million out of six million leaves five. I do not suppose that the other five in the Province of Quebec are so prosperous or full of jobs or full of wages with a high standard of living that you can just forget those five million.

I would suspect that there would be another million anyhow, which would make two million in Quebec and two million in the four Atlantic Provinces. That is four million Canadians out of twenty who are today living on a standard of living away below.

They are not all as bad as we are. And I thank God for that. If they were all as bad as we are, we would

be worse. If Ontario, Alberta and British Columbia were as badly off as we are, there would not be any equalization. There would be nothing to equalize except Canada's poverty.

You have four million of the twenty million Canadians. That is twenty per cent, is it not, of Canada's population? Twenty per cent who are living on a sub-Canadian standard of family and personal living and of public services.

Our roads have to be inferior to those of other parts of Canada. There have to be fewer of them. The hospitals have to be inferior. We just cannot afford them.

And people have to live generally on a lower standard, which means to say, Prime Minister, that some little youngster that is going to be born tomorrow night, or tonight, or at daylight tomorrow morning, somewhere east of that line, north-south line in Quebec, or anywhere east of that in Quebec and in the four Atlantic Provinces -- some little baby is going to be born tomorrow morning of whom you may say that a Court has condemned that Canadian baby to an inferior existence, food not so good, home not so good; schools not so good, hospitals not so good, roads not so good, municipal services not so good. That child is condemned, as though a Court had done it, to an existence inferior to the Canadian average, certainly the Ontario average.

Now, is that just the responsibility of Premier Campbell? Is it just we four who have to worry about that? Isn't this something, Sir, for you and the great Parliament of our great nation? Isn't it something for you and your colleagues in the Government of Canada? Isn't this a concern of Ontario?

Let us look at that for a moment. Look, we can't have breakfast in the morning without paying profits to some firm in Ontario. When we get out of bed the very bed we get out of came from Ontario. The mattress and the spring came from Ontario. And the bedclothes on it came from Ontario. And when we step down on the floor the carpet, if we are rich enough, or the linoleum, or the old fashioned canvas, that came from Ontario.

And we go to the bathroom. The bathtub came from Ontario. And we go down, and we eat; and the food came from Ontario, from Manitoba, or somewhere. And everything

we eat and everything we wear ---

HONOURABLE J.P. ROBARTS: I am glad you are sharing this burden!

HONOURABLE J.R. SMALLWOOD: Sir, it is not a burden to Ontario. This is the secret of your prosperity -- the fact that we in Newfoundland and they in New Brunswick and the others in Prince Edward Island and Nova Scotia and other parts of Canada are consuming all kinds of goods that you produce. Thank God for that: you are producing them.

And the taxes that are paid on them the Prime Minister collects. He is not spending enough.

I will tell you, Prime Minister, you are not -- not you only, but you and your predecessors before you. It is too little. Always it is too little, too late.

The gap is widening. These four Provinces Premier Smith, you have the statistics. Would the gap between the four Atlantic Provinces taken collectively on the one hand -- and I know Newfoundland has to drag that average down, although we are coming up slowly -- wouldn't you say the four Atlantic Provinces, the gap between them and the rest of Canada, has widened and deepened in the last two years?

HONOURABLE G.I. SMITH: In terms of actual dollars, yes.

HONOURABLE J.R. SMALLWOOD: Well, in terms of pride and happiness at living in the Atlantic region we are higher than we ever were. But in terms of hard cash, Prime Minister, standard of living, public services, all the things that you usually use in economic terms -- in these terms we are behind the rest of Canada more now than we were ten years ago.

And ill fares the land, you know -- ill fares the land that is really two lands, a rich Canada and a Canada which, if not poor, is an awful lot less rich.

And what are you doing? You are practicing now a number of things: ARDA, ADA, FRED, ADB, Industrial Development Bank, National Housing, and a few other things. All of them in the aggregate are not even half enough, are they? Are they half enough?

Not half enough, the Prime Minister thinks.

Now, the Prime Minister, the reason I ask him is that he is conservative in more ways than one. Not half enough. I am afraid to ask Premier Campbell, because then it might look like a put-up job.

Another conspiracy. Or if it is, it is an open one and open conspiracies, openly arrived at, are the essence of democracy!

We do what we can; we really do, you know. We tax, and tax and tax, and we collect, and collect, and collect all we can from you and the two put together do not enable Newfoundland to go ahead as fast as she needs to go. Don't laugh, this is a fact.

Despite the fact that we have at one and the same time in our Province Canada's highest birth rate and lowest death rate, notwithstanding that fact between five and six thousand of the brightest young men and women of Newfoundland are leaving each year; between five and six thousand. Premier Robarts, they have accepted your invitation, they are pouring up to Ontario. The Newfoundland government and their parents have spent an average of \$20,000 to educate them and at the rate of five to six thousand a year they are leaving Newfoundland.

We are doing all in our power; we do much more than is in our power. We have gone into debt, we have borrowed; we have gone out and raised and borrowed and lent it and spent it. We spent some of it and lent some of it to fish plants and to industrial plants. We have gone out and we have guaranteed bond issues and indirect debt. We have piled it up.

You see, twenty years ago we became Canadians and the moment we did, that very moment, the danger for Newfoundland was a pretty serious one. The people might leave, all of them. If they did all leave perhaps economically and financially it would not have been so horrible. Perhaps what would have been horrible would be for a great many to leave and have so many left behind because the cost of governing a country whose population would be dropping all the time is a horrible task. It is an impossible task and must end finally in complete failure. Your population must grow; it must grow and it cannot stand still. It never has in the world; it goes up or goes down.

We have striven mightily in Newfoundland to develop our economy. Look at the Churchill Falls. The Canadian Government helped, they helped on tax concessions, but the Newfoundland government by its efforts have brought to Canada (to Newfoundland, but that is Canada) we have brought the world's biggest and history's biggest single hydro-electric development.

I argued about that with Mr. Kosygin when he was in Newfoundland last year. I was asked to meet him officially and I went to meet him and told him about Churchill Falls. He said "How many kilowatts?" I said "I don't know, but I know how many horsepower, between 10 and 11 million horsepower on the Churchill River." He turned around and talked in Russian, or something, and they did some figuring and he said "We beat you". This discouraged me because I am proud that we have in our Province the world's biggest single hydro development. It turned out that I was right. He was talking about half a dozen put together.

We brought that to Canada, Newfoundland did.

Premier Robarts, when you give a thought to the equalization payments going to the Newfoundland government give a thought also to the fact that a thousand million dollars, a billion dollars, has been brought into Canada or is being brought in from outside Canada by this Newfoundland government to get the Churchill Falls going. That thousand million is only a part because the further development on the same river will require another thousand million. That is when you include the great transmission lines in Quebec and in Labrador. Two thousand million -- this is a fair contribution to the upbuilding of Canada's industrial and economic strength. Nova Scotia does the same thing, New Brunswick does the same thing. We are making what is an important contribution to the upbuilding of the Canadian economy but it is too little and too slow, spread over too long a period of time. Meanwhile our population drops. Meanwhile the gap -- in spite of our efforts, our own efforts, our own efforts and we don't spare them -- in spite of these the gap widens between the four Atlantic Provinces and the big section in Quebec and the rest of Canada. This is not just our headache of us four men and our Cabinet colleagues. Surely it is your headache, Prime Minister, and the headache of your colleagues. Surely it is the concern of the whole Parliament of Canada and surely it is the concern of Canada's twenty million people that twenty per cent, one-fifth of the Canadian people, good loyal Canadians, are -- not

deliberately, not consciously, not purposely, or anything like that -- but by lack of purpose perhaps, lack of policy, lack of programme are left almost (I don't want to exaggerate) left almost to stew in their own juices while other parts of Canada leap ahead. They do, they are leaping ahead and this is a good thing, but could we get a little leap too? Could we get a conscious deliberate acceleration of your own policy, Prime Minister? You will go down in Canadian history, I believe, for two great things. One is your noble attempt to get Canadian people all across this lovely land to agree to do the things that must be done constitutionally to create and strengthen Canadian unity and harmony and greatness. There cannot be greatness without unity and harmony. You will go down in history, as your predecessor Mr. Pearson will too, and I think the thing that distinguishes you more than anything is your policy of having one Canada not only constitutionally but economically; not a rich Canada and a poor Canada. Not a number of "have" Provinces and some "the less you talk about the better" when you talk about wealth; and if not to end that, to reduce and to diminish it.

I have only one other thing to say and that is I happen to know that you have not got as much, you are a little short of cash and the Canadian government has not got as much money as it used to have. All the governments in Canada, the Federal Government and the ten Provincial Governments and a couple of thousand municipalities, school boards, and all kinds of public bodies in the last ten or twelve years in the aggregate have been taking simply too much money out of the Canadian economy. This is my fear. I believe they have got to hesitate and they have got to pause now for a year or so. They have reached a plateau now of public spending and from that plateau, which is a pretty high one, the highest there ever was in Canada, from that plateau these governments are looking down over the edge at the economy. I suggest we stay at that plateau or drop down a little and let the economy catch up.

It is hard to say you will put two or three hundred million into the Atlantic Provinces... Could we use two or three hundred million! We will use it alone if you don't want it. If you don't want it we will use it. In Newfoundland we desperately need it.

Prime Minister, having been fair let me be something else! Your budget this year is \$13.6 billions, thirteen billion, six hundred million. When you get to

that size it is like when I worked in New York one time in a thirty storey building. I worked on the top floor and if you lifted your feet off the floor you would find yourself swinging. With your feet on the floor you didn't notice that. The building used to sway three or four inches and there was a total sway of six to eight inches. If you kept your feet up it soon got ahead of you. Now when you have a budget of thirteen billion six hundred million, a little creek, a little creeking of that is a couple of hundred million. If you know what I mean. Let it creek a little in our direction this year, then next year creek a little bit, then the year after that ...

What I am saying is I know that this is no year, I know this is not the year to look for the full implementation of the just society. It turns my stomach, really it does, to hear such a desperate violation of common sense, when you hear people say the just society has not arrived in the last six months. This is sickening. I know this year you are trying to balance the budget and stabilize Canada's economy. I know it is not the year to look for the big haul, but let us have a little haul, a little implementation of your great policy of reducing regional disparity and we will all be very happy.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Premier Smallwood.

Well, I think we will probably have to stick to the timetable and adjourn now. We will have the Minister of Regional Development of Canada (he will be that in a few days because our Bill will be introduced in the House) speak for Canada after lunch. Will there be others? Quebec may have something to say and Ontario may have something to say; the three rich Provinces.

Would you like to come back at two o'clock? No, two thirty. It will give the officials time to prepare our decisions.

Thank you very much. We will adjourn now until two thirty.

SIXTH SESSION — WEDNESDAY AFTERNOON
Ottawa — February 12, 1969

SIXTH SESSION : WEDNESDAY AFTERNOON

THE RIGHT HONOURABLE P.E. TRUDEAU: When the meeting comes to order we will be continuing discussion of the item on regional disparities. Several of the delegations have asked to make statements. We will all be watching the clock.

(TRANSLATION)

I believe the Quebec delegation wished to speak on this matter. Premier Bertrand?

HONOURABLE J.J. BERTRAND: Mr. Chairman, I would ask my colleague, the Honourable Mr. Dozois, Minister of Finance, to say a few words on regional disparities and on some related problems.

HONOURABLE P. DOZOIS: Mr. Prime Minister, gentlemen. We of Quebec do not have much to add to what has already been said on regional disparities. Suffice it is to say that we accept the principle according to which account must be taken in taxation matters and in the equalization payments of the disparities which exist between the various parts of the Country.

There would be no point, in my view, Mr. Chairman, in extending this debate. We would only be reiterating what was stated here last year by the Quebec delegation and more particularly by the then Premier, Mr. Johnson. However, I could read again part of that statement which contains, according to me, the very essence of Quebec's attitude. Here is what Mr. Johnson said, in part: "It is obvious however that Quebec is by no means indifferent to the problem of inequalities in the various areas of this Country since, to a large extent, she is herself a victim of these disparities."

I might say that this morning the Premier of Newfoundland, Mr. Smallwood, mentioned the fact that there might be in the Province of Quebec two million victims of these disparities. However, having checked the figures produced for us by our Planning Office we can state that this figure is approximately five hundred thousand. Since we have approximately six million people it can therefore be seen that only 8 or 9 per cent of our people are involved. The fact remains

that it is a proportion which is high enough for us to concern ourselves with the problem and to attempt to find a solution.

I continue with Mr. Johnson's statement. He said: "For this reason and also because we believe that such a situation is intolerable in a Country as rich as Canada, we are entirely ready to investigate the implementation of any new ideas in this regard. We are quite ready to co-operate with other governments in any large scale effort in this connection as long as this is done with proper regard for constitutional jurisdictions. Constitutional discussions have become necessary for our survival.

"The fact remains that the welfare of the citizens of the Country remains a necessity to which the Government of Quebec entirely subscribes. It is ready to acquit itself of its responsibilities in this regard. It offers its co-operation and accepts that of other governments since this is a human problem of the first magnitude. All Canadian citizens are entitled to an acceptable standard of living, whatever area of the Country they live in." Here, then, is what was said last February by the then Premier, Mr. Johnson. I believe that this paragraph sums up the attitude of the Government of the Province of Quebec on this important matter.

When we draw conclusions from our examination of this matter, I might have a suggestion to offer which takes into account a suggestion made this morning by Premier Weir of Manitoba with regard to what we may expect from the Federal Government on its spending priorities. However, I will make that proposal later.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Dozois. The Ontario delegation also asked to be heard. Mr. Robarts?

(ENGLISH)

HONOURABLE J.P. ROBARTS: Thank you, Prime Minister. I noted your admonition concerning the time, and I am aware of the limitations. Nonetheless, I would not want the impression to get abroad that because Ontario did not say anything that Ontario is not interested in the full economic development of the entire Country.

Reference has been made to the programmes that we have in our Province, and certainly I do not come here to

make any apologies for the energy that we apply in developing industry in our own Province. We are faced with the problem of creating in our work force 100 thousand new jobs every year if we are to look after our own people as well as those who come into Ontario not only from Newfoundland but from all parts of the world.

We have an active programme. We know a good deal about economic disparity because we have economic disparity in our own Province. Our plans are devised to rectify that disparity within provincial boundaries.

For instance, the incentives we may offer to industry are not available to any industry locating, for instance, in the Metropolitan Toronto area. But we do offer incentives to industry to locate in certain parts of Eastern Ontario and Northern Ontario where we think the economic development is slow, and where we want to encourage them.

I think we are reasonably meticulous in not trying to lure an industry into Ontario from another Province. We are much more interested in bringing industry into Ontario from the United States. We want to replace imports coming into our Province with factories which build these things in the Province itself.

One other thing I would like to say concerns taxes. It can be very tricky when you start using statistics to prove points. We, for instance, charge a premium for hospital insurance in our Province. We charge a premium for medical services. This may not appear on the tax roll but I want to point out to you that it cost the people of Ontario well over 300 million dollars for these two items alone last year. It is part of that 500 million, Mr. Smallwood, that you say we might raise by increasing our taxes to the level that they are in Newfoundland.

I just point this out because one can get into difficulty in using statistics if your basis of comparison is not completely sound.

I recall making the statement about the billion-dollar fund. I do not think the precise figure has significance. I simply wanted to leave the impression it would take a good deal of money. But we think that there is a national need to rectify economic disparity in different parts of the Country. We think that it should be done by developing the assets that there may be in the parts of the Country in question.

There is no point in creating hothouse flowers that are going to need constant artificial stimulation and hoping that we will solve our problem in that way. What we need to do in my opinion is to survey our Country and find where the undeveloped assets are. I personally think it is a national problem and that it requires national programmes.

Mr. Bennett, you were referring to that type of thing yesterday. I was in full agreement with what you were pointing out about the development of your own Province and some surrounding areas that need such development.

There is a great deal that can be done. But I think we have to follow some fairly fundamental principles. I do not pretend to have all the answers. Nor do I pretend to be able to put forward solutions today. But there are certain principles involved here.

I would like to make it very clear that Ontario has always supported the principle of equalization in our Country. I did not realize all the beds in Newfoundland were made in Ontario, nor that all the breakfast food that is eaten there is manufactured in Ontario, but we do realize and understand full well that Ontario's prosperity is based on a whole range of factors. Some of them are just the luck of geography, some of them are the gift of God, and some just the fact that we happen to be part of that great Country called Canada.

We recognize this and we are at all times prepared to do our part in ensuring that we have something at least approaching minimum standards across Canada. There must be some meaning to being a Canadian regardless of where you live, regardless of the economic circumstances of the particular area in which you live. This is a very fundamental and a very basic problem.

I think it was most vividly brought to my mind at the Confederation of Tomorrow Conference in Toronto. I became aware then that there were some areas of the Country that attached just as much significance to this problem as they did to the problem of constitutional reform. I see no reason why we cannot run these things along in tandem or parallel so that we can solve all our problems at once.

I do not propose to say anything more about this beyond the fact that we have a very deep interest in it. We think we have a certain amount of expertise to offer

because we are very busy in a programme of developing our own Province. Self-help programmes would be an example. We have developed some expertise in this area which we would be happy to share with any group that might be studying this on a national basis.

We did welcome Mr. Smallwood's emissary when he came and saw us in Toronto and we gave him all the assistance we could. These few remarks conclude my contribution to this particular item on the agenda.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you.

Premier Strom indicated he would like to intervene on behalf of Alberta.

HONOURABLE H.E. STROM: I just have a few words to say, and I will not be too long.

First of all, replying to a couple of statements that were made this morning, first in regard to the one made by my friend Mr. Campbell from Prince Edward Island of the Province of Alberta saying to the Federal Government that we were not interested in your programme. We were going to go it ourselves.

It had reference to the Federal parks programme, and I just want to point out to this group here that Alberta has more land area in Federal parks than all the rest of Canada put together. And it was in this context, of course, we were not interested in that particular programme.

Secondly, I want to say, too, as far as our Province is concerned I am sure members who have been gathering here for some time and have been meeting in the past recognize Alberta has already supported the principle of equalization payments, and we still do.

With regard to the point that Mr. Smallwood made in regard to subsidization of industry, we in Alberta do not have a programme of subsidization, and we believe that the economics of the industry should be the factor dictating location - that if we follow that we are not very likely to get into difficulty down the road.

It is true that we have lost the odd one because of the policy that we pursue, but I rather suspect that maybe the odd one we have lost that left us because of a subsidi-

zation factor could very well end up being in difficulty by choosing another location because of the incentives provided.

Now, I think in our brief that we presented on opening day, we made our position quite clear. I am not going to read it except to make a reference to where it can be found again so that anyone wishing to check may read it for themselves. It starts on page 21 and goes on to page 22 of our brief. In there the main point that we are making is that the Federal Government should give consideration to the areas that are not considered as regional disparity areas, because, I believe that if you do not have a balance between the two, then you are going to in fact apply a double penalty because if by a programme that you are carrying out you in fact take an industry away from the economic area and place it somewhere else, you may not in fact do as much for the disparity region as you would hope, and you would be in fact taking away from the one that did not get it.

And I think that this is something that has to be reviewed very carefully. And I am thinking particularly in the overall programme of FRED, ARDA and so on; that even within Provinces we have to review the programme itself very carefully, that we do not by support payments perpetuate a problem that we are trying to solve. And I think that this, we feel, would be very true, too, when looking at the federal programme.

So therefore what we are trying to say is that we would like to see consideration for investment in high-potential areas given equal consideration with the disparity regions. If we do that, then I think that the total Country will benefit, and we will all be better for it.

Now, I do not think, Mr. Prime Minister, that there is anything else we from Alberta would like to say at this time except one last point. I think it is very difficult to define regional disparity.

Are we looking at a certain size of area? Are we looking at pockets within the areas? What is it that we are actually looking at?

I am sure that even the "have" Provinces will be able to point to a number of areas that need a considerable amount of help. If there is a federal programme operating for this type of assistance, then I think that

we want to be very careful that we do not exclude some of these areas that would qualify as to conditions but maybe not as to geographic size.

Thank you.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Premier Strom.

I believe of the Saskatchewan delegation the leader, Mr. Steuart, has asked to make some remarks.

HONOURABLE D.G. STEUART: Mr. Prime Minister, I just want to say first we favour any programme that will help bring about more economic equity in this Country. And lately, thanks to hard work and a little bit of arithmetic by the Federal Government, we have become a "have" Province. And for this we are thankful.

So I do not say, "We are in favour of this but..." But I want to say, "We are in favour of this and we just want to make sure we are all dealt with fairly."

I just want to take one moment on this point: Premier Campbell mentioned the great help we got from Eastern Canada during the thirties during the Depression. I have heard this once or twice over the years from Eastern Canada. I just want to set the record straight that we in Saskatchewan in the thirties did get some help from Eastern Canada. And I would like to settle it right now at this Conference.

I want to thank the people of Eastern Canada for the ten carloads of codfish that we were sent in the Depression. I am told we boiled them for three days and threw away the fish and drank the water! But I am willing to make an offer right now that if the East will forget it so will we, if you will accept twenty carloads of damp grain.

Seriously, Mr. Prime Minister, I want to say that I listened to the Atlantic Provinces, and we are impressed. But I want to point out that twenty-five or thirty years ago we had 160,000 farmers in Saskatchewan. Today we have about 80,000 farmers. And there were very few tears shed across Canada when those 80,000 farmers, because of the cost-price squeeze, were getting about the same price for wheat they got back in the twenties, and went out of business and had to relocate themselves and find new careers and new places.

And our agriculture industry is still in trouble.

All I want to say is we are willing to help. We want to see equity in this Country. But we want all factors taken into consideration.

I have with me Mr. Estey, our Minister of Municipal Affairs and the now Minister of the Indian and Metis branch of our government. He will highlight some of these things we have been doing to help not just Saskatchewan farmers but Western farmers, who are in trouble right now.

HONOURABLE C.L.B. ESTEY: Mr. Prime Minister, as Mr. Steuart has intimated, we have disparities within the boundaries of our Province.

Probably the greatest disparity we have is in connection with our Indian and Metis, where we have approximately 70,000 Metis (mind you, some of those are on reserves) who unfortunately are in a very substandard position.

But we with our provincial revenues are attempting this year to give great assistance to the Metis in order to assist them educationally and to find positions.

But we think that, if a conference or committee be subsequently assembled to deal with this question of disparities, the question of the Indian and Metis, which certainly affects all of Western Canada, should be high on the agenda of that committee.

Then we have disparities which are age-old in connection with freight rates. We are faced with building a very lengthy highway system in Saskatchewan in order to develop our Province and, at the same time, trying to compete with other Provinces in attracting industrial development.

We would think at the appropriate time consideration should be given to incorporating this question of regional disparities in, for example, the preamble to our Constitution.

The other area in which we allege a disparity is that of the distribution of the corporation tax. As has been intimated, we are in this position where we have large companies operating in our Province with head office out of the Province. And it is our position that under the present distribution of corporation tax in Canada we are not receiving our fair share.

I think that is all I have to say.

THE RIGHT HONOURABLE P.E. TRUDEAU: Fair enough, Mr. Estey.

HONOURABLE W.A.C. BENNETT: Mr. Prime Minister?

THE RIGHT HONOURABLE P.E. TRUDEAU: Are you asking for the floor, Premier Bennett?

HONOURABLE W.A.C. BENNETT: If I may?

THE RIGHT HONOURABLE P.E. TRUDEAU: You may have it.

HONOURABLE W.A.C. BENNETT: Mr. Prime Minister, as we come to the closing hours of our Conference I am very happy that all through these three days this terrible word used so much a year ago, this word "crisis," is not in our vocabulary at all.

When I said that last year I was ridiculed in the Conference, I was ridiculed by the press services everywhere, that the Premier of British Columbia was not taking the matter seriously.

The opposite is true. I realized as a boy back on the farm in New Brunswick that you can never do anything, not only with men but with horses, too - if you got them all scared with "crisis" you would never get them in the barn.

And I am glad in this one year the statesmen of Canada have matured greatly in one year and, instead of dealing with the position of crisis they are dealing with solid facts and a solid basis. And that is the reason why these three days of Conference, in my humble opinion, have been so successful - because we have got down to dealing with things not on emotion but on a sound business approach for the benefit of Canadians everywhere.

I am sure there is not one person around this table or anywhere in the Country who is not Canadian first, last and all the time. And, while we may have a different emphasis on certain things, we all stand for unity. But in a half continent like ours, like I said yesterday, it would not be a good thing to have uniformity. Because that is our strength, that we do think differently, and we make different contributions.

And the reason why British Columbia is growing so fast - twice as fast in population as the rest of Canada - is because good Canadians are coming from every Province to British Columbia. We have very little direct immigration from outside Canada, but they are coming from every Province in Canada.

If you really want to help, Mr. Prime Minister, the Canadians from every Province, you can help them in British Columbia, because that is where they are coming to - British Columbia.

I noticed with great interest the eloquence of my friends the Premiers from the Maritime and Atlantic Provinces, from which I originally come. Their eloquence would almost bring you to tears. Because one thing which they produce in the Atlantic Provinces is eloquent politicians. And I am glad I left early, before I got that habit.

I was brought almost to tears when I heard my good friend, whom I admire greatly, the Premier of Newfoundland, say that there are two million people in the Maritimes and then went on from that premise to say that they are all poor.

Oh, yes. He added that two million, and another million, and made them up until he got four million. And he said that is 20 per cent.

As a former Maritimer I repudiate that statement, in a friendly way, because I know many people in St. John's, Moncton and Halifax who are far from poor.

HONOURABLE J.R. SMALLWOOD: I know several, too.

HONOURABLE W.A.C. BENNETT: Yes, that is the point I am trying to make in my remarks this afternoon.

I was greatly interested in the very - and I say it very seriously - the serious submission made (and every one was serious) by Nova Scotia, and especially No. 6 on their plan. And I am quoting now:

"As to the first part, we hold it to be the right of Canadians in every region of Canada to have a standard of public services equal to the national average without a burden of taxation greater than the national average burden."

All British Columbia would do is change two or three words: "As to the first part, we hold it to be the right of Canadians in every region of Canada to have..." instead of putting the next two or three words - "to have a standard of living equal to the national average without a burden of taxation greater than the national average burden."

Now, my point is there, Mr. Prime Minister, that we have been equalizing the wrong things - equalizing provincial governments. And you have heard from all the Atlantic Provinces, and every one of them says it has not brought the standard of living up for the individual citizen.

Call it the negative income tax. Call it what you like. You must get that purchasing power in the hands of the individual, because there are poor people all across our Nation and, if we want to really have equity on at least the basic things it must be every place in our Nation, and all Canadians are entitled to the same treatment.

And further I would say this, that in the great central Provinces of Manitoba and Quebec, who are in the central part of our Canada, who have all the national advantages of their great resources - and they both have great resources in the central position, great benefits under the so-called national policy of tariffs - I am sure they could work out their destiny and not need equalization payments as governments. But their people might need some.

And that would come, because I am sure that is something that can be worked out, because in those areas there are great natural resources.

The Atlantic Provinces are in a different position. That I recognize: they are in a different position. And the original Fathers of Confederation, though it is not politic perhaps to condemn them, I do say this - that they did a great thing for Canada as a whole when they made Confederation, but when they went down to Charlottetown in 1864 who was meeting there when they arrived uninvited? Who was meeting then? It was a representative of the Maritime Provinces. And for what purpose? To unite those Provinces.

And why did they go down to those Provinces? Because they had lost their trade preferences in the United States

and the Maritime Provinces were extremely prosperous with their trade with the New England States and Central Canada wanted the "common market of the Maritimes"; and they made Canada, which was a good thing. But they destroyed the prosperity of the Maritimes.

So the Maritimes are in a different position, and are entitled to special consideration by all Canadians to rectify that situation. And in the early Conferences I think three or four prime ministers ago, Mr. Prime Minister, I was the first premier to advocate that there should be special grants, Atlantic grants, given to the Atlantic Provinces. And the records will show that to be true.

Now you are never going to help the Maritime Provinces back by a little grant here or there, or a little subsidized industry, because it is building industry that cannot compete once they are there because they are not in a central position and cannot get into the market.

We in British Columbia go all the way we can to buy everything we can in those Provinces. Last week we placed an order for millions of dollars for steel rails in Nova Scotia for our railroad extension because we do think as Canadians. We are never going to build prosperity in the Maritimes subsidizing industries that may not be sound. I suggest the only way to restore the Maritimes to prosperity is to restore the markets in New England States. First the Maritime Provinces must complete something they started in 1864. I can say it because I still claim to be a Maritimer. You never forget the land of your birth even though you love the Country of adoption. I say that they should complete the job they started in 1864 and unite those Provinces into one viable economic unit and then as we try out new ideas in our second century we should let that area have free trade with the New England States. While you might lose custom tariff for Canada you would more than benefit by the increased tourist business. There is no more beautiful country in the world and that is a pretty good thing for a person from British Columbia to say. There is wonderful scenery, wonderful fishing, trout fishing. I remember it as a boy. I remember the salmon and boating and everything else. Coming from these hot cities of New England States, New York and so forth, up to that cool and beautiful atmosphere of the Maritime Provinces in the summer is a story that has been told but in a too weak a way, not boldly enough or often enough. There is where Canada is losing foreign exchange it should earn. We can have a common market with the New England States

and only let into the rest of Canada those products manufactured within the Atlantic Provinces. I would not let commodities from the free trade area from the American states come into the rest of Canada free of duty. They would have to say the merchandise originated within the area itself.

HONOURABLE J.R. SMALLWOOD: You would take the Customs Officers away between the Maritimes and the United States and put them between the Maritimes and Canada?

HONOURABLE W.A.C. BENNETT: The answer is no. You had your speech Mr. Smallwood. It was a good liberal keynote speech and you used the time before lunch and I give you full credit for that!

The point I want to make, Mr. Prime Minister, is this: that after saying all these things we say that you make real prosperity in your Country by using the fertile acres to the best use. That is the way you get revenue coming to the Federal Treasury. That is the way you can spread the benefits everywhere. The Premier of Newfoundland said that if it were not for those prosperous areas of Canada the conditions would be worse in some of these other Provinces. Don't hold back on these policies, don't have one policy such as ARDA for one part of Canada and not for others. In the last analysis you will hurt the so-called "have less" Provinces. Treat all Canadians the same no matter where they are because if you don't you will break down the whole economic life and structure so you can finance this Country.

The other point I would like to make, Mr. Prime Minister, is this: Areas that are growth areas have problems that need capital. There are growth areas where the population is coming in by the thousands and the population needs new schools. It is not an area that is losing population that needs new hospitals. It is not an area that is losing population that needs new homes for its people and all these other kinds of services. For instance, British Columbia is growing twice as fast as the rest of Canada and we need twice as much social capital to carry out these things.

I would not plead with the Federal Government but I would ask the Federal Government to study well before they come and bring down policies that are only going to be for certain areas and not be open to Canadians everywhere. If we do that we will stop great progress and

development of our great Country. I think that is so important and that the growth areas are so vital that they should not be dealt with differently than other areas because that is where the great problems arise.

Now this idea of subsidizing industry I agree with none of it, Mr. Prime Minister. Out in British Columbia we don't get the benefit of a national tariff. We are not in a central position to get the benefit of Massey Harris tractors, and so forth, Mr. Saskatchewan! We depend completely on world trade. We buy our products on the open market and have to sell on a competitive world market. We don't want any industries in our Province that are not natural to our location and to our resources. If they have these hothouse industries that the Premier of Ontario so clearly condemned, and to which I agree, your last situation is going to be worse than your first. Once you start to subsidize there is no end to that sort of thing. I have heard quoted today certain information about the South American republics, the Banana Republics. They subsidize prosperity at the top and the average worker has no prosperity. They have a group of people who pay no taxes and it helps the rich but hurts the poor. I didn't know what "over the hill" meant until I went to Nassau and saw the Canadian millionaires and others and then I went over the hill and saw the poor people there. Special concessions to industry and special concessions to people on tax-free bonds is no way to build a solid foundation at all; it is the opposite way.

I go around the world every year, everywhere (always, Mr. Prime Minister, with the full co-operation of your Minister for External Affairs). I talked to the Minister on the street going down today and we were talking about certain trips this coming year. It is always for the good of Canada and always approved through the federal representatives. A few years ago we took from our Province, in co-operation with the Federal Government, six British Columbian Cabinet Ministers to Japan. For the first couple of days they treated us with great respect, great dignity, and on the third day the Palace was ours and everything was ours because we built up confidence and good will. We not only built up Japan to be our second greatest trade customer but because of that good will we created a lot of good will for the rest of Canada from that mission. When we go to other countries in Europe we see and feel the good will which is for Canada as well.

We tell the Federal Ministers that they kept you talking so busily in the House that they don't get a chance

to see these countries and it is the job of the provincial Premiers to go around and spread the good will!

British Columbia does not give concession to industry. We make sure all our resources are all owned by the people of British Columbia. We welcome investment from all over the world. Nobody can own that part of Canada which is British Columbia but the people because they own it and they will own it forever. Anybody can produce goods but can they sell them? We go to England and we go to Germany and Sweden and Finland and Japan. We tie their investment with their market. There is a heavy penalty for undercutting and a heavy penalty for overcutting. We tie the resources to the good jobs. We think that is the way to build a lasting prosperity.

As this Conference comes to a close I want to thank the Prime Minister for inviting British Columbia to this Conference. I am happy to be here as a Canadian and we have enjoyed it. I think the Canadian citizens from Newfoundland to Vancouver Island seeing this Conference will be prouder than ever to be Canadians, not hyphenated Canadians but Canadians.

Thank you.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you,
Premier Bennett.

(TRANSLATION)

I now give the floor to the Minister of Forestry and Rural Development, Mr. Marchand.

HONOURABLE J. MARCHAND: Mr. Prime Minister, the problem of regional disparities in Canada is, in my view, a fundamental problem related to the very extent of this Canadian Federation of ours and this is not an election speech. The people - and we know that communities come together as states not only because their citizens love one another but because, by uniting, they seek to achieve certain purposes, and in particular economic purposes. In other words, if cultural or language ties may, on occasion, give rise to states, these linguistic or cultural groups may also unite with other groups of different culture or language, so that all may live better. If we have come together as a Federation, as is the case in a great many other countries, it is not necessarily because all citizens speak the same language or partake of the same culture,

but because Canadians thought that by uniting it would be possible for them to achieve some economic aims which it would have been impossible for them to achieve had they remained divided.

That is why, in spite of the relationships between, say, Scotchmen and Englishmen in Great Britain, there are still Scotchmen who dream of a separate Scottish state. It also explains why, in spite of a common language, some Bretons would like to see their old country separated from France. This is a general tendency. But, in point of fact, this fundamental need to live, to live better, is one to which a greater importance is attached than to other values. This is not a theoretical view, this is a factual statement.

For instance, if we examine the case of French-Canadians. Even if we all attach considerable importance to our cultural and language values, and if we live better in Quebec than elsewhere - and I fully subscribe to the views of those who have claimed as much - the fact is that more than one million, possibly two million, French-Canadians have left the Province of Quebec to live in other Provinces or in the United States. Why? Because at that time they did not find in their own Province what they required to live properly, they did not find the standard of living which they desired.

This then is one of the fundamental purposes of the Canadian Federation. By that I mean that all those within this Federation should be able to find, in our form of political organization, the best possible living conditions. A Country like ours would be impossible if it maintained on a permanent basis the disparities which exist at this time. The case might have been overstated in certain instances but the fact remains that inequalities do exist.

That is why we feel that the Constitution of this Canadian Federation should reflect this basic objective, common to all Canada, i.e. that our development should be carried on in as balanced a way as possible, even though we do not believe, and I suppose that is a view shared by everyone here, that it would ever be possible to achieve absolute equality. Nevertheless, there should be a way of removing to a considerable extent those disparities which exist.

(ENGLISH)

I think we have made in Canada many efforts to get

rid of these disparities or to alleviate these disparities but we have not been successful. Probably what we have been successful in doing is to prevent the widening of the gap between say the "have not Provinces" and the "have Provinces".

Probably. I don't know because this cannot be proven because we would have had to make both experiments at the same time, which is impossible; but we have made efforts and while we have still inequalities which are not acceptable to Canadians, we have, as you said, our ARDA plans, FRED plans, we had the PFR in the West. We had the DOFCO in Nova Scotia and the Atlantic Development Board.

I think we have spent since 1962 about one billion dollars in regional development and half of this billion dollars was spent in the Maritimes, but it was not enough because there still are some disparities and inequalities.

So, we want to correct that. That means that our plans, our programmes are not adequate so we intend to change and to have new programmes and to have a new philosophy behind these programmes.

I think that Mr. Bennett is right when he says that we have to take into account natural economic forces and this is right because I think that really the designated area programme even the ADA programme often we spend money uselessly and often we spread money too thinly over too large a territory. It would have been preferable to concentrate our effort on certain growth centres, natural growth centres, so that really this action or these programmes would have been beneficial to all Canadians or to all of those Canadians interested or involved.

So this we intend to change. We intend to change. We would like to develop many growth centres in Canada. We hope that everybody will not have to move to Montreal or to Toronto or Vancouver or Calgary in order to live. Maybe Halifax will be developed more than others. Maybe St. John's, Newfoundland, will be developed more than others. Maybe Quebec can be developed more because in your figure of five hundred thousand people, I don't know if you had added Quebec but personally I think we can add the City of Quebec as a slow growth area. There is no doubt about it. The population of Quebec has not increased for ten or twelve years so I think we should try to develop a growth centre so that people can go within their own region or their Province and find jobs and find employment

and find a good standard of living.

This will be a new philosophy and we will need your help because if the people of Canada believe we can develop each small village and each small settlement, if each of them want to have industry and want to have a harbour in every port, this is impossible. We cannot afford that so that means we will need the political strength to resist a certain amount of pressures.

We think it would be preferable to develop a certain number of centres in each Province so that people can move there and have a decent living because as I say, it has been my experience up to now in my department that all villages or small towns in Canada want to have industry and they want to have the government spend something in construction or public services, and so forth. I do not think we can achieve anything with this so we are going to have to change the philosophy of our programme.

I cannot tell you particularly what we have in mind because I think that the House is entitled to know first whatever the Department intends to do because outside the Prime Minister and the Ministers of the Province there is an institution which is called the House of Commons and I think we have to respect its prerogative and that is why I intend to present first the Bill setting up the Department and I hope it will be done early next week if possible, and after that we will have a new law or maybe several laws in order to fight inequalities in Canada.

HONOURABLE W.A.C. BENNETT: In any one Province?

HONOURABLE J. MARCHAND: Any Province. I don't think we can deal the same way with all the Provinces or all of the regions. I think we have a very serious problem in Canada but to say well a line maybe five or ten miles starting from Three Rivers, Quebec, to St. John's, Newfoundland, this whole region needs to be developed more.

HONOURABLE W.A.C. BENNETT: Would you recognize the movement of population that is springing up?

HONOURABLE J. MARCHAND: Yes, we will recognize that. I think there are other areas. There is northwest Quebec. There is Northern Ontario, Northern Manitoba, Northern Saskatchewan, and a few - a very few spots in British Columbia.

HONOURABLE W.A.C. BENNETT: Northern British Columbia.

HONOURABLE J. MARCHAND: Yes. This is what we have in mind.

(TRANSLATION)

But, as I said, we need the co-operation of all Provinces. I am not speaking here merely of verbal co-operation but of true co-operation. When I speak of Provinces, I have municipalities and voluntary organizations in mind also. I hardly believe that any coherent regional development is possible in Canada if these various organizations do not co-operate. Otherwise, the actions of one government would negate the actions of another government and we would have achieved nothing.

We therefore have every intention of consulting the Provinces, not only in respect of those programmes which we will try to apply but even in respect of the general principles which should provide a basis for the various Bills to be submitted to the House of Commons so that we know that we are in agreement on the purposes we have in mind.

If I may, Mr. Chairman, there is a point which I should like to make at this time. I do not think the Canadian people have any right to expect that we carry out development in those areas where the rate of growth is lowest at the expense of natural growth centres, large natural growth centres, that is to say...

(ENGLISH)

I think, Mr. Chairman, that Canada needs large cities like Montreal and Toronto and many others because I don't think that we can live in North America if we do not have large communities where you have a certain type of activity that you cannot have if you don't have cities of that size.

So, we have a vital interest in those. I think we should not try to say, well, Montreal has too much, Toronto has too much, Vancouver has too much and Calgary has too much. I think we need to have those strong growth centres in Canada and it is not our intention to weaken those centres and if it is possible to strengthen them, I think we should do it.

I do not think it would be of benefit to anybody if we weaken those large cities that we have and that can compete with certain American cities.

(TRANSLATION)

This is the point. This, generally, is what we intend doing. The Bill to which I referred to will be introduced, I hope, as early as next week. I mean by that the Bill setting up the Department. After that, probably next Spring, we will have a Bill to replace the Industrial Incentives Act since that particular piece of legislation has not operated in the way we had hoped.

Some industries have really taken advantage...

(ENGLISH)

...what you call in English "windfalls," industries that may have been developed even if ADA had not been in existence.

I think that is not right. I think certain industries over-expanded under this law and that was not the purpose of the law. Now, I think we want to correct what needs to be corrected and we want your help in this and we are going to co-operate and we are going to discuss with you not only for the pleasure of discussing or for the sake of discussing with you, but in order to have your ideas, but I hope that if sometimes we do not share your opinions on a certain number of things that this would not mean we do not dialogue and we do not co-operate with you, but we will do it seriously because we are sure that we cannot correct these things if we do not have the co-operation of all those concerned, and that means the provincial governments, municipalities, voluntary organizations and the people themselves.

So this new department, I do not know if it will be much better than what we have been doing up to now, but let us try and in a few years I am sure you will be through to tell us exactly if we have been successful or not.

THE RIGHT HONOURABLE P.E. TRUDEAU: Yes, Premier Smith.

HONOURABLE G.I. SMITH: I have just a few words. I certainly welcome the interest of the Federal Government in this matter and I am glad to note that it is considering

some fresh approach is required.

On the question of co-operation I am sure I can say at once without any reservation that you will find us as willing to co-operate as people can be. I do not know that we can promise that we will always agree precisely with everything that is suggested, but you will find us co-operative.

I agree with you probably the growth centre concept is one which may cause a certain amount of difficulty. However, in Nova Scotia we have accepted that principle some time back and while I wouldn't say that everyone in the Province thinks it is the right thing, I believe you will find a substantial basis of feeling there on which we can work together to follow that course of action.

I am delighted to hear you talk about consultation in the terms on which you did and which I think you meant; that before policies are planned and final decisions are taken there will be an opportunity to exchange views in an effort to see what the thing is all about and whether after all what you are thinking of doing is the best thing to do. We don't always expect you will accept our views. It would be a strange world if that always happened. So I want to say we will certainly do our best to co-operate.

There are just one or two other things that I want to say. I want to thank all the Premiers as well as the Federal Government for the way in which they have dealt with this problem and the way in which they are willing to see that what is a very, very pressing problem for some of us in Canada and for all Canada is dealt with.

I want to express our appreciation for their attitude today and for the attitude of that nature which has been so evident in the past.

I would like to confirm Mr. Bennett's assertion that he was one of the first to advocate the Atlantic adjustment grants. It so happens I was present on the occasion when he did and I feel that his assertion in this respect ought to be accepted by all as something that was very helpful at the time. We think it might still be helpful if it had not faded away.

The suggestion of a free trade area with New England is I think something which ought not to be lightly dismissed. We know the difficulties involved, or I think we do. We

also know that was our natural market and we would like to see this possibility exploited.

The suggestion has been made a number of times in this Conference and elsewhere that the Maritime Provinces ought to be one Province. Now, whether or not that is so; whether that view is justified by the facts I do not know, but I would like to repeat as I said on other occasions that the three Maritime Provinces are taking this matter very seriously. They have engaged the services of one of Canada's most distinguished economists to make a study of the possibilities of either further co-operation between the three Maritime Provinces or complete political union.

This study is being carried on seriously, and indeed we had an interim report from this distinguished Canadian when the Atlantic Premiers met on Sunday last, so let me close these few sentences by saying we appreciate the attitude of the Federal Government and we appreciate the attitude of all of those who have spoken today and we will do our best to be co-operative.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, sir.

I think it would be useful if you could agree now on the way in which we can wind up this item. There has been a very good general discussion of the problems of regional inequalities. There have been some suggestions for constitutional amendment. There was some mentioned this morning. We ourselves in our booklet on the "Constitution and the People of Canada" have indicated that the Constitution should provide equality of opportunity for all Canadians, but perhaps here it would be useful rather than trying to amend the Constitution today, if we could agree on a certain number of principles.

I understand that the officials of the Federal and Provincial Governments have been working on a draft inclusion for agenda item 4(e).

If you have it before you we will see if we can reach an agreement on that now. I will read it.

"The Conference agrees that:

- (a) the promotion of the full development of all parts of Canada is an essential objective of Confederation;

- (b) a Committee of Ministers should, taking into account the views and proposals of the various governments, consider the administrative, financial and consultative arrangements for policies and programmes required immediately to reduce regional disparity;
- (c) the Continuing Committee of Officials should give special attention to the constitutional aspects of regional disparities."

In that way we would state objectives. We would state immediate steps we would want to take and we would give attention to the on-going constitutional aspects.

HONOURABLE L.J. ROBICHAUD: What is meant, Mr. Prime Minister, in (b) where it says, "a Committee of Ministers"? Would that be Federal Ministers or some Provincial Ministers?

THE RIGHT HONOURABLE P.E. TRUDEAU: We were thinking of Federal and Provincial Ministers. In a committee of this Conference we would want to delegate Mr. Marchand as that minister, but each Province might choose economic ministers of sorts.

HONOURABLE G.I. SMITH: I would be very loathe to be at all difficult after we have gotten along well so far. (c) seems to relegate discussion to a position of lesser importance than some others by referring it to the Continuing Committee - that is, the Constitution aspect of it - rather than a committee of ministers. And I am wondering if there would be any objection to it at all really to cutting out (c) and including in (b) that part of (c) which says "should give special attention to the constitutional aspects of regional disparities."

THE RIGHT HONOURABLE P.E. TRUDEAU: I believe the principle we tried to follow was that in any case where the Committee of Officials had been working for a year on a subject and had reported to this Conference as under Item 2(b) then we did make progress and went on to the next stage, the Committee of Ministers, but in areas where there had been no preparatory work by the Continuing Committee, we have in every other case suggested that the preparatory work be done by them.

HONOURABLE G.I. SMITH: I appreciate that. Could we perhaps then amend (c) slightly by adding at the end of it "with the object of informing the Committee of Ministers

to be appointed at a later stage to consider this aspect"?

I don't want it to get shuffled off to one side. That is all that is in my mind at the moment.

THE RIGHT HONOURABLE P.E. TRUDEAU: This would certainly be acceptable to us, but I wonder if when we deal with Item (f) and (g) on the next step of the Conference if we won't want to provide - I believe our officials have already discussed this with you: we were thinking of quarterly reports of this Continuing Committee of Officials to the Conference which would permit us at least every three months to see what was going on, and in an open meeting such as this, or in another committee of this Conference, have this meeting to which officials would report.

We are certainly anxious, as much as you are, to see that the reports come in soon. Whether we want to do it in here or in a general provision...

HONOURABLE G.I. SMITH: As I say, I don't want to be difficult. I just want to make sure this question retains its parity with the others in the way we deal with it. So long as that is done, it is not a matter of importance to us how it is done, but that is of fundamental importance to us.

THE RIGHT HONOURABLE P.E. TRUDEAU: Let's put it in brackets here, and if it is covered somewhere else we will delete the brackets. And if not, there is no harm in repeating it. Then (c) would be amended by adding the words "with the view to reporting to a committee"...

HONOURABLE G.I. SMITH: Committee of Ministers at a later stage.

THE RIGHT HONOURABLE P.E. TRUDEAU: At a later stage - that is not soon enough.

HONOURABLE G.I. SMITH: As soon as possible. As soon as may be reasonable.

THE RIGHT HONOURABLE P.E. TRUDEAU: All right. Well, it is all agreeable.

If that is agreed, we can go on to the rest of the agenda. Looking at the clock - almost quarter to four - I think we might perhaps plan ahead a little bit and leave sufficient time at the end of the Conference to return to

2(c), Procedure for Constitutional Review.

It will be under that item that I think we will have a chance to draw together all the various resolutions which will have been reached on the various items, some in a final way and some in a semi-final way.

Would the Conference be agreed to aim at, say four-thirty to deal with Item 2(c) which would be the conclusion? It would give us now forty-five minutes to deal with Item 4(d), Reform of Institutions linked with Federalism, 4(f), Amending Procedure, 4(g), Mechanisms of Federal-Provincial Relations, 3, Objectives of Confederation - we will let the other questions drop.

I think if we could deal with 4(d) now, Reform of Institutions linked with Federalism, we might be able to deal very quickly - if I can use that verb - with the Senate because there has been a great deal of agreement in the various submissions of the Provinces through the Committee of Officials.

We might ask the Minister of Justice if there is time to say a word on the Supreme Court. And Ontario and Quebec and the Federal Government would like to get agreement from this Conference of some steps we would like to take concerning the capital of Canada.

We have had a tripartite committee going for a year now and a great deal of progress has been made, progress involving the two provincial governments and the Federal Government, but which would call now for some kind of involvement by all the Canadian Provinces, and involvement by the people themselves of the Hull and Ottawa regions. So if we could perhaps deal with those first.

It will take but a few minutes. It is a matter I think of reporting to this Conference on an agreement which we reached between the three parties and which we would like to have Provinces consider because we realize that although the Government of Canada speaks for all Canadians, the subject of the capital of Canada is of important concern to the Provinces, too.

Let me then read this resolution and see if there is general agreement on it:

1. The Constitutional Conference is agreed that the Cities of Ottawa and Hull are the core of

the Canadian capital area.

Copies might be given. Have they been distributed?

2. No changes be made to provincial boundaries or to the constitutional responsibilities of the governments concerned.

3. The boundaries of the Canadian capital area are to be established by agreement of the governments concerned.

4. In line with the aforementioned objectives, steps must be taken so that the two official languages and the cultural values common to all Canadians are recognized by all governments concerned in these two cities and in the capital region in general so that all Canadians may have a feeling of pride of and participation in and attachment to their capital.

5. That the Study Committee on the Canadian capital -

which is the tripartite committee composed of Ontario, Quebec, and federal officials and ministers -

That the Study Committee on the Canadian capital continue its work giving particular importance to the following:

(a) the definition of suburban areas which would eventually constitute, along with the Cities of Ottawa and Hull, the Canadian capital regions;

(b) a study of the administration and the financing of the tripartite organization.

If there could be fairly rapid agreement to this we would go on. If the Provinces feel that they are being asked to agree to something which they have not studied, we could leave it in their hands until we go on with the other subject under this item.

We would hope, though, that we would be able to report progress to this Conference and to the Canadian people because of the importance of the capital area as one of the very vital institutions of federalism.

Are there any comments on this?

...Agreed.

HONOURABLE J.P. ROBARTS: There were a couple of amendments that perhaps did not get into the resolution - "The Cities of Ottawa and Hull and their surrounding areas." That phrase was in draft No. 1. That was added there.

THE RIGHT HONOURABLE P.E. TRUDEAU: "With their surrounding areas."

HONOURABLE J.P. ROBARTS: And under 5(a), "definition of suburban areas" should be I believe "adjacent areas." And after "Ottawa and Hull" would be included "and their surrounding areas."

The reason for this, gentlemen, is that the Province has recently created a regional form of government in this area. It includes Ottawa and the various municipalities in the County of Carleton, and that level of government can in effect speak for the people of this area who will be (as individuals, of course) concerned in this.

HONOURABLE W. WEIR: Mr. Prime Minister, if I might just say a word?

THE RIGHT HONOURABLE P.E. TRUDEAU: Premier Weir.

HONOURABLE W. WEIR: I have no real objection to the three governments doing the work and coming to whatever organizational structure is required in this area. But if I was asked to give my agreement to it in terms of Manitoba, I would want the same privilege of study that the other three governments have had. I just think it is difficult to ask me on behalf of all Manitobans to pass a judgment on this this afternoon. With all the thought and consideration that I am sure has gone into it, I do not think it is possible for me to grasp it this afternoon. So that in terms of it being dealt with, I have no objection; but in terms of making me a party to it, I think it is being just a little difficult to put me in that position.

THE RIGHT HONOURABLE P.E. TRUDEAU: Are there any other remarks?

The Minister of Justice.

HONOURABLE J.N. TURNER: I just want to intervene for thirty seconds if I may, Prime Minister.

I feel sure that the people of Ottawa and Hull and surrounding areas would welcome, you know, the continued improvement of the national capital along the lines of the resolution, but I also believe that it is essential - and that is why I understand the resolution is presented here to provincial premiers - essential that all Canadians from all parts of Canada in either language feel at home in our national capital because the entire Country has a stake in this area.

I want to say also that I interpret the resolution as implying the consent of the people who live here in Ottawa, in Hull, in the surrounding areas, to any structural or administrative changes that are implied in the resolution.

With the consent of the people who live here, and prior consultation, you will have the necessary co-operation which will make it possible I believe to fulfil the intent of the resolution.

THE RIGHT HONOURABLE P.E. TRUDEAU: Any other remarks?

HONOURABLE J. MARCHAND: Well, the only thing, Mr. Prime Minister, is, I think, the way Mr. Robarts wants to modify the resolution, Ottawa, Hull, and surrounding cities. This is the national capital; not the core.

HONOURABLE J.P. ROBARTS: And their surrounding cities.

THE RIGHT HONOURABLE P.E. TRUDEAU: These are the two cities.

HONOURABLE J. MARCHAND: We may add another paragraph to state that the surrounding cities are part of the National Capital Commission or the Canadian capital area, but you cannot say that the core of this area is Ottawa, Hull, and all the surrounding cities.

HONOURABLE J.P. ROBARTS: It is a matter of wording. As far as Ontario is concerned, we have taken part in these discussions, and as I say, we have created a form of government which covers this whole area.

HONOURABLE J. MARCHAND: Yes, I understand that.

HONOURABLE J.P. ROBARTS: So that the people here will have direct representation, and as you are saying,

they will have direct representation in what is going to happen to them. That was the only point. It is only a matter of wording.

HONOURABLE J. MARCHAND: We can revamp that I think.

THE RIGHT HONOURABLE P.E. TRUDEAU: We remain in the position that we have not met Mr. Weir's objection.

HONOURABLE W. WEIR: I have that reservation that is on the record now. As far as I am concerned it is limited study. I do not propose to stand in the way of it or make a fuss about it, but I just think in terms of leaving an impression that there has been acceptance by us on the matter, of having something read that I have no idea what it entails, or have had no study, for the record I have made my point, and really, it is the judgment of the three organizations, but in spite of what I might say from time to time I have a fair bit of faith in them.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, I do not think it would prevent the work from advancing and we could perhaps use some diplomatic formula to the effect that the Constitutional Conference have noted with interest the following resolution submitted to it.

HONOURABLE W. WEIR: That is fine. I don't want it to be said I have given a lot of study to something I have just glanced at.

HONOURABLE J.P. ROBARTS: This whole matter will be before this Conference some time in the future, because this is only an on-going situation in which we have reached no final decision. But, on the other hand, we have done what we have done, and this is really a matter of reporting that to the Conference.

(TRANSLATION)

HONOURABLE J.J. BERTRAND: Mr. Chairman. If I may speak on behalf of the Province of Quebec of the exchange of correspondence we have had with you and the Prime Minister of Ontario in respect of this tripartite organization which it is proposed to set up for the cities of Ottawa, Hull and surrounding areas which are to be made the heart of the National Capital area. We have set up a ministerial committee chaired by the Minister of Municipal Affairs which keeps in touch with representatives of the Federal Government, as well as with representatives of the Ontario

Government. The purpose is within the framework provided by this resolution which has been submitted to the Conference of Premiers and Prime Ministers, and in order to achieve the aim we have in mind, to organize the cities of Ottawa and Hull as a National Capital area.

For the moment this is not only a matter of principle. The three governments involved are trying to find a formula in order to move for an answer to demands of various economic groups who live in what we call "l'Outaouais québécois", that is the city of Hull and the other cities which are to become the surroundings of the Capital of Canada on the Quebec side.

I agree that these problems might sound new to the ears of the Premier of Manitoba. However, they are not new to me because we have been talking about them for several months.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Bertrand.

Speaking on behalf of the Federal Government I would like to thank the Quebec and the Ontario governments for their co-operation. The Federal Government is obviously anxious to develop the Hull region as quickly as possible in order to integrate it to the Capital area. It would like to hasten its development. I am sure that it will be very useful to obtain the agreement of this Conference to this common effort of ours.

(ENGLISH)

And perhaps we could either agree to this item with perhaps some modified wording that we could discuss....

Can we just say the Conference is agreed subject to further study and consideration that - and so on?

Good. And that will permit it to come back. All right.

Perhaps we could deal, at least in a preliminary way, with the question of the Senate. I have a summary of positions and, if I just go through it, it will perhaps save me from making a speech, or Senator Martin from making a speech, and perhaps most of us. I believe the officials here again have put in our hands a draft resolution, which might permit us to make progress.

If we start with the federal proposition, that it wishes to retain the Senate, we find that all Provinces in their submissions are in favour of that providing the Senate is reformed.

The federal position concerning the purpose of the Senate would be to ensure that it represents also provincial and regional interests. On this all Provinces are in favour.

The federal position would also be to ensure that appointment of Senators would be partly by federal and partly by provincial governments. From the Provinces' point of view there is no objection in principle from nine of the Provinces, subject, of course, to some agreement on the proportion of the appointments. And in Quebec's case they would favour total provincial appointment.

So rather than argue that out we will just note the difference, and it does not appear in our conclusion.

The federal position on the distribution of Senate seats is that that distribution should be re-examined; and all Provinces are in favour of this.

Some have suggested ways in which greater weight might be given to certain regions or to the population itself, but the idea of re-examining the distribution of Senate seats is unanimously supported.

The federal position as to limiting the term of office for the Senators, there is general agreement amongst the Provinces on the principle of limiting the term of office, though here again there are various proposals for the way in which that limitation should intervene.

The federal position on legislative powers is that it should be limited to a suspensive veto; that the powers be as at present but that they be limited by the fact that the Senate would not have absolute veto but merely a suspensive one. And there is general agreement from the Provinces on that.

The Federal Government proposes that there be additional powers given to the Senate on the subject of appointments to certain functions, language rights and fundamental rights. There is qualified provincial approval for this depending, of course, on the proportion of provincial appointees.

I must add that Ontario and New Brunswick and Nova Scotia also expressed some misgiving regarding encroachment on the authority of the federal executive. We are very much aware, of course, of this danger, and in a reformed Senate we would have to make sure that we are not departing from this system of parliamentary government and Cabinet responsibility to the elected House.

The federal position would be that the government would be responsible only to the House of Commons. And there is general approval of this.

Now, one Province suggested additional powers for the Senate in the field of Federal-Provincial relations. Therefore, there is a very general area of consensus on the idea of reforming the Senate to ensure that it reflect in a better way the federative nature of our Country. And we are very happy to see that progress can be made along these lines.

It might be well, however, for the Federal Government to remind the Provinces and the people of Canada that its position, its propositions for a reformed Senate were made by part of an overall review of the Constitution, and our desire is not to weaken the institutions of the Federal Government; it is to strengthen them. And we believe this can be done by ensuring that the Senate, which is part of the Federal Government apparatus, does in fact express in a more precise way regional or provincial interests.

But here again we consider these reforms as part of the full constitutional review. And we hope that it will be considered once again in that light.

I think we should make as much progress as we can on this item, but it would be, I think, useless for Provinces to submit tomorrow morning names of new Senators to me. I already have enough suggestions.

We would once again want to make sure that the Senators as they presently exist in their functions are protected in their acquired rights; that they are not phased out without their consent. But especially we want to make sure that any reformed Senate be considered as part of the package of the whole constitutional reform.

(TRANSLATION)

I feel we should agree on that particular point.

It is very encouraging to note that we can make progress with regard to several Federal institutions, including the National Capital area and the Senate. However, I repeat, such progress must be considered as part of a general review of the whole Constitution and, as we were reminded this morning by the Quebec delegation on the question of a Charter of Human Rights. I remind the Conference that this is the spirit in which we are suggesting a reform of the Senate.

Do we have the text on which there has been discussion?

(ENGLISH)

There is then a possible consensus on item 4(d), if I may read it:

"The Conference of Prime Ministers and Premiers, while recognizing that reform of the Senate must be considered in the context of other matters related to the basic principles, structure and powers of Government in Canada agree that a Committee of Ministers should study possible constitutional provisions relating to the reform of the Senate and should take into account in particular the following considerations:

- (1) The Senate could represent, more directly and efficiently than at present, the interests of the Provinces and areas in Canada;
- (2) One of the ways in which this could be achieved is through appropriate changes in the method of selecting Senators, and another could be by altering the tenure of office of Senators;
- (3) It might be appropriate for the Senate to be provided with certain special powers in order to make it a more effective instrument of federalism, while at the same time adjusting its role in relation to legislation generally;
- (4) The distribution of membership should reflect in an equitable manner the Provinces and regions of Canada;

(TRANSLATION)

- (5) Lastly, the Government of Canada should continue to be responsible - when I say responsible I am speaking of responsible government - to the House of Commons only."

(ENGLISH)

If there is agreement along those general lines.... They are not very specific, as will be noted. They do have the advantage that they would permit us now to go on to a Committee of Ministers.

We think that perhaps the Continuing Committee of Officials has done as much as they could to state the various points of view. And there is a great deal of agreement. But only, I think, at the ministerial level can we make the political decisions which will entail further detailed propositions which might be submitted to the next Conference of Prime Ministers and Premiers.

Agreed?

Thank you very much.

(TRANSLATION)

And now we have got within twenty minutes of the last item. Perhaps we might now deal with this matter of the instruments of justice.

I would ask the Federal Minister of Justice to open the discussion.

(ENGLISH)

HONOURABLE J.N. TURNER: Prime Minister and gentlemen: I think I ought to state the federal position as briefly and clearly as I can. It is obvious from the various position papers that there is fundamental disagreement in the attitude taken by the Federal Government with the attitude advanced by some of the Provinces, particularly the Province of Quebec. We believe that the final court in a federation has a role beyond that usually assigned to a court, a unitary state, because the Supreme Court of a federation becomes the interpreter of the powers of the various jurisdictions involved and the people living in those jurisdictions; becomes the interpreter in Canada of

the powers of the federal and provincial governments.

We believe that as a court the Supreme Court of Canada must be composed of judges who are free from influence from any source whatsoever; that the judiciary at all levels must be independent of the executive and must be independent of the component parts of the federation.

Now the principle of independence of the judiciary is the cornerstone of that judiciary and carries with it, Mr. Prime Minister, the idea that disputes must be resolved in a court on a judicial basis by judges looking at the law as they interpret the law and not as judges representing any point of view or any jurisdiction.

We recognize that the men, and I hope women, who are appointed to our benches across the Country by reason of where they come from, how they were brought up, the circumstances in life, may have a certain inclination towards one view or another. We have always relied on them, once they were sworn to the bench, to interpret the law as in their good judgment they see fit.

We have given long and serious consideration to a number of alternatives. We have concluded that no scheme whereby the Provinces would appoint judges to the Supreme Court could retain the judicial determination of disputes. We feel that if some of the judges to the Supreme Court were to be appointed by the Province or Provinces and some by the Federal Government there would be a tendency for a representative character to be attached to those judges; they would tend to feel they would exercise a mandate one way or the other. We feel that would impinge on their ability to view the law in a judicial way.

It is obvious if judges are to be appointed from the jurisdictions, so that jurisdiction might be better represented on the court, and decisions were unfavourable to that jurisdiction then the argument probably would be continued to increase the representation until there was equal representation and I think then we would be in a position of a board of arbitration and not a court of law.

What we have proposed also is a court provided for specifically in the Constitution. The Supreme Court of Canada is now a creature of federal statute. We admit it should now be enshrined in the Constitution and that those items in the Constitution should give stature to the court and outline the main lines of its jurisdiction and of the

method and process of appointment. If the Senate were reconstituted along the lines suggested in the federal resolution there could be a system of approval of nominations of the members of that body, thereby recognizing a provincial voice in the appointment procedure, but the Federal Government retaining its authority as actual appointing jurisdiction.

We believe also the court should not be compartmentalized. The jurisdiction of the court should be integral or entire and it should not be a specialized body merely hearing constitutional issues. In the adversary process a case of law is a case between two individual litigants and it may involve questions of the civil law and question of the federal statutes and items of a constitutional nature all wrapped up together in the same selection of facts and involving the whole panorama of the law.

We believe that since most legal issues cannot be isolated, if we were to compartmentalize the Supreme Court into a constitutional chamber and a civil law chamber and a common law chamber we would be depriving that court of the essential overall panorama of the law under the judicial process as we know it.

We would however propose to provide in the Constitution for the minimum civil law representation that now exists and indeed provide for the appointment of ad hoc civil law judges where that is required to ensure sufficient number of judges for the hearing of all cases involving civil law.

Now these proposals we believe are founded on a thorough study and our experience and our history of the judicial process in Canada. We would be glad to examine other alternatives, but we feel that there must not be abandoned the two fundamental principles of independence of the judiciary and judicial resolution of disputes.

(TRANSLATION)

At the outset, Mr. Prime Minister, I would like to address myself very briefly to two fundamental points. I will do so in French. I do recognize that the Prime Minister of Quebec would probably like to answer but I believe something should be said on that at this stage. The first point at issue is the organization of our final Court of Appeal within the Federation. The second is the nomination of Judges to that Court.

I should first like to say that I am in favour of a Court having full jurisdiction, that is a jurisdiction not restricted merely to constitutional matters nor divided into several chambers.

Those of us who, like me, have been in private practice, will be particularly aware of the correlation of problems of law in any litigation. There are very few cases where only one point of law is in issue. As often as not we are dealing with matters involving federal legislation, provincial legislation and constitutional rights. Any attempt to abstract any of these matters would tend to confuse the issue. These matters would then be resolved in a somewhat artificial light bearing little or no relationship with the entire issues of law and with the facts of the case.

As far as the matter of appointment of judges is concerned, Mr. Chairman, we feel that a final Court of Appeal in a Federation must remain a judicial body. This implies the recognition of the principle of equality in the judicial process.

While it cannot be denied that the background and experience of a judge might influence his particular philosophy of the law, we do have in Canada a tradition of judicial freedom which, more than any text, ensures that cases are heard and judged in an impartial way. It has been proposed that certain judges be appointed by the Provinces. I would fear that if this were done the Supreme Court would become a body of agents or representatives, an organization where the decisions would be dependent upon the majority interests of such agents. Such an arbitration proceeding would tend to curb the real issues by making them political. We would have to take into account considerations of influence which, indeed, would be a determining factor in the disposition of constitutional matters according to the particular body who had appointed the judge in question.

In a system such as this, the principle of equality, as we know it, would disappear and be replaced by opportunism and compromise. That, Mr. Chairman, is our position. I do realize that our views are not shared by the Province of Québec, or, in certain respects, by other Provinces.

HONOURABLE J.J. BERTRAND: Mr. Chairman, if I may?

THE RIGHT HONOURABLE P.E. TRUDEAU: Mr. Bertrand?

HONOURABLE J.J. BERTRAND: We certainly do not have enough time to deal with each and every one of the propositions elaborated by the Committee of Officials of the Constitutional Conference. The Quebec working paper does not, as it has been stated, necessarily represent the firm views of the Government of the Province of Quebec. Indeed, I do not think the views which have just been put forward by my colleague, the Minister of Justice of Canada, represent the firm views of the Federal Government on this matter. These are proposals. He was right in indicating that his views and ours differ. For instance, with regard to the judicial system we had suggested the creation of a Constitutional Court. We feel, and we have said as much, that the Constitution should provide for the establishment of a Constitutional Court as well as for its composition and its jurisdiction. Two-thirds, at least, of the judges sitting on this Court should be appointed by the governments of the component states.

I have just heard the Minister of Justice say: "But if they are appointed by the state governments will they not be tempted to represent the interests of those states on the court?" But I could answer to that: "If they are appointed by the central government, as they are at this time, we should therefore conclude that with regard to any matter of litigation they represent more closely the views, opinions and ideas of the central government?"

HONOURABLE J.N. TURNER: There is an answer to that.

HONOURABLE J.J. BERTRAND: If we want to understand each other we should have a Constitutional Court within our federal system, competent in matters of constitutional interpretation. And that is why we attach such importance, I refer to that again in passing, to a Constitution where fields of action, powers and responsibilities are clearly delineated. That is why, since the beginning of this Conference and on more than one occasion, we have returned to the matter of the essence of federalism which is the sharing of powers between two orders of government.

In this instance, the Constitution is the fundamental law. The Court charged with the interpretation of this fundamental law, in our humble opinion, must be the Constitutional Court. I will go no further in my comments because, no doubt, we will have further opportunity within a committee of Ministers representing the various governments to add to what I am saying at this time.

Second, in the area of the judicial system there should also be a Federal Court of Appeal. The central Parliament should be authorized to set up a Federal Court of Appeal which would be the Court of last resort in respect of all matters of federal jurisdiction. Those states which so desire could confer upon that Court the authority to deal, in the last instance, with the interpretation of their own statutes.

I have in mind at this point the Quebec Civil Code. The matter, indeed, is already dealt with in the present Canadian Constitution. The British North America Act included a section where reference is made to unifying the legislation throughout the Country, in all Provinces except the Province of Quebec, because of its Civil Code and other particular provisions.

Third, with regard to other Courts, generally speaking, it is the federated states, the Provinces, which would set up the other Courts and appoint their judges, both for the administration of federal legislation and for the administration of their own legislation. However, the federal Parliament should retain its present right to establish Federal Courts for the administration of its own laws.

As far as the independence of the judges is concerned, Mr. Chairman, I feel we are in perfect agreement. Much criticism may be voiced here or there, with regard to the administration of justice in Canada or within our own Provinces, but I believe it can be said of this Country that we enjoy a judicial system which, particularly in regard to the independence of judges, is one of the best in the world.

I should not forget either, as I refer to the proposals you will find in our working document, to remind the Conference of the work at present being performed by the Prevost Commission, which has been asked to look into the matter of possible reform of penal and criminal proceedings before our Courts.

Secondly, I should also remind the Conference that we have already begun speaking of establishing Family Courts in Quebec.

Thirdly, we have spoken on more than one occasion of total repatriation of jurisdiction in respect of marriage and divorce. We have already gone part of the way, following the adoption by the Government of Canada of legislation

which has made it possible for us to invest the Superior Court of the Province which has responsibility in matters of divorce. We would however like to go further. We would like this entire matter of marriage and divorce to come entirely under provincial authority and, in particular, in the Province of Quebec. What we would have in mind, in that regard, would be creation of Family Courts. We do have at the present time what we call Welfare Courts. These Courts would eventually be called upon to become true Family Courts, looking into all family problems, i.e. marriage together with the unfortunate consequences following there from on occasion, such as divorces and the like.

For example, at the present time, federal divorce legislation goes as far as alimony, custody of children, and matters such as those. We have in Quebec our Civil Code which provides that the Superior Court of the Province is competent on matters of alimony or custody of children. This is a source of conflict; this is why we will ask for a repatriation of all matters concerning marriage, divorce, the setting up of Family Courts competent to deal with these problems exclusively.

These are the few remarks I had to offer at this stage of the discussion.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Mr. Bertrand.

(ENGLISH)

I think it is quite obvious on this item we will not have time to go all the way around the table. There has been a resolution drafted which doesn't commit us to too much but if one or two other delegates want to make very brief remarks, I would go over our deadline of four-thirty. Do you wish to?

HONOURABLE D.V. HEALD: Yes, very brief.

THE RIGHT HONOURABLE P.E. TRUDEAU: Mr. Heald of Saskatchewan.

HONOURABLE D.V. HEALD: We accept the proposals of the Minister of Justice in the sense outlined by him. As far as we are concerned we don't really see the need for this matter to be referred to a committee.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much, Mr. Heald.

Any other constructive, short remarks like this?

HONOURABLE L.R. PETERSON: Mr. Prime Minister, British Columbia would also endorse the position taken by the Minister of Justice in this case as far as the Supreme Court of Canada is concerned.

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you very much.

HONOURABLE A.A. WISHART: Mr. Prime Minister, generally we can endorse the principles and ideas set forth by the Minister of Justice. I think this subject is another that needs considerable further study, if we are to consider it in the light of the proposal from the Province of Quebec that there should be a distinctive constitutional court; certainly we cannot do this half way. I think that we certainly need a lot more study. There is the question of the powers, the rights of appeal, what subjects should come up, whether just constitutional matters or matters where human rights are at stake, whether we can cut down the work of the courts by some system of leave. All of these things must come up when we study this, but I think the general approach meets with our approval.

THE RIGHT HONOURABLE P.E. TRUDEAU: I think then we might be able to draw some general conclusions for continuing work in the way that the Minister, Mr. Wishart, suggests. It would be, if we agree, one on the general principle of (a) the Constitution should provide for the independence of the judiciary.

I am sure there is unanimous agreement on that.

(b) A committee of ministers should, taking into account the views and proposals of the various governments, consider further provisions concerning the Supreme Court and the judiciary.

By a committee of ministers we would have to decide which of our ministers will be selected. There are certain categories getting very overloaded but we will work this out somehow.

Is there agreement on this? I believe there is.

Here we are back to Item 2(c), Procedure for Constitutional Review, which is really a catch-all item permitting us to wind up the various items on which we have not as yet agreed on specific resolutions.

I wonder if all the delegations have this draft set of resolutions which have been prepared by the officials, several of which we have dealt with already in detail and some of which we have only dealt with in substance.

I think if we can read them in order and if we can improve them by amendments, that will be fine, but if there is going to be much more discussion we will see that a solution is referred to the officials or the Committee of Ministers.

Let us begin then with agenda Item 2(a), General Objectives of the Constitutional Conference.

It is really the general objectives of the Constitutional Conference:

"The continuing Constitutional Conference reaffirms its intent to complete a comprehensive review of the Constitution of Canada, to assess its adequacy for present and future requirements, and to determine the extent to which constitutional change is desirable either through amendment of the existing Constitution or through promulgation of an entirely new Constitution."

Does that meet with general agreement?

I believe it is repetition of what we decided last year we should do and what we are doing in effect, we are not pre-judging whether we will or not have a new Constitution or just a modification of the existing one.

(TRANSLATION)

However, the important thing is that we are committed to an examination of all subjects, all aspects of Confederation and of its Constitution.

(ENGLISH)

Have we agreement on this?

Agreed.

Agenda 2(c) really deals with the procedure for constitutional review. Rather than have a debate at this time we might read the resolutions. They are drafted so as to cover all the points on which guidance is needed and has been asked by the officials in their yellow book, and they do take into account the decisions to set up Committees of Ministers on special subjects as we agreed to in past days, and finally they do establish closer liaison between the Continuing Committee and the various premiers and prime ministers which, I believe, was the point which you insisted upon formally, Premier Weir.

I think it does cover all those aspects and if we read it we will see if we want to agree.

"(a) The Conference expresses its intent that the review should proceed at an accelerated pace, now that the basic organizational and background work has been carried out. In this connection, the First Ministers will endeavour to hold more frequent sessions of the Constitutional Conference and, in addition, to have informal working sessions with the Continuing Committee of Officials, to provide more continuous direction to the process of constitutional review.

"(b) In order to maintain effective co-ordination of the constitutional review, the Conference agrees that:

"(I) all special committees of ministers set up by the Constitutional Conference should report to the Constitutional Conference;

"(II) the Continuing Committee of Officials should assist other ministerial committees, as required;

"(III) all special committees of officials should be constituted as sub-committees of the Continuing Committee of Officials;

"(IV) the Continuing Committee of Officials is authorized to establish such sub-committees, working groups or task forces as seem to be required for its purpose;

"(V) the Secretariat of the Conference should also serve all such ministerial committees and committees of officials."

Are there any remarks on the resolution covering Procedure for Constitutional Reform?

The attempt here, I repeat, is to co-ordinate all the work to make sure that this Committee of Prime Ministers and Premiers has the ultimate authority, that it does meet more often and that the Committees of Ministers and the Committees of Officials and their sub-committees all be tied in in a functional way to this Continuing Conference.

HONOURABLE W. WEIR: It covers the objections I had, Mr. Prime Minister.

THE RIGHT HONOURABLE P.E. TRUDEAU: Is everybody in agreement? Mr. Robichaud?

HONOURABLE L.J. ROBICHAUD: Agreed.

THE RIGHT HONOURABLE P.E. TRUDEAU: We can go on to Item 4(a) of the agenda, Official Languages.

We had reached, I believe, a consensus on this but we didn't have the text paper so we should read it and see if it seeks modifications.

"The Conference recognizes that important steps have been taken by governments in the past year to encourage a fuller role for the French language throughout Canada, and it affirms that study of linguistic matters should be continued. In particular, the First Ministers agree that:

"(a) The recommendations of the Royal Commission on Bilingualism and Biculturalism, together with reports on linguistic matters from the Continuing Committee of Officials and the Sub-Committee on Official Languages, should be referred to a Committee of Ministers which should consider both the constitutional aspects of linguistic matters and the methods of implementation of language policies, including the nature of possible federal assistance for this purpose.

"(b) The Royal Commission's reports, together with other aspects of the subject of official languages, should receive such further consideration by the Continuing Committee of Officials and its Sub-Committee on Official Languages as may be required to assist the Committee of Ministers in its task."

It will be noted that we mentioned the Committee of Ministers rather than the Committee of Attorneys-General. It can be the ministers designated by governments. We had thought that a Committee of Attorneys-General would be best to ensure progress on the legal and constitutional point of view but apparently some Provinces wanted to feel free to designate other ministers and I am sure this could very easily be agreed to by us; subject, of course, to the proviso that we do not talk about the Federal Language Bill in this and that this will be dealt with as a distinct matter by the Attorney-General of Canada in consultation with the Attorneys-General of the Provinces.

HONOURABLE J.N. TURNER: As was suggested.

THE RIGHT HONOURABLE P.E. TRUDEAU: As suggested here and agreed to, I believe.

HONOURABLE W. WEIR: That is not incorporated in the papers. I was presuming that C-120 might be included in that, paragraph (a), Constitutional Aspects and Linguistic Matters, but so long as we are clear that this is a separate ad hoc committee that will meet separately...

THE RIGHT HONOURABLE P.E. TRUDEAU: We assume that. I think it would be perhaps an error for us to put a federal bill in a resolution of this Conference because it might lead to other consequences of at times provincial bills being brought before here and I think that the principle of the United Nations of non-interference in the affairs of other states might be applied here insofar as possible; but there is agreement off the record of this Conference and on the record between ourselves that we will proceed on the Official Languages Bill in the way that we intended; that is to say, the Minister of Justice for Canada would be in contact with all the provincial ministers of justice or Attorneys-General who desire to express views on the constitutionality and legality of the Bill.

HONOURABLE J.J. BERTRAND: And also on the different modalities of the Bill as we mentioned, concerning especially bilingual districts. We referred to that yesterday I think when we discussed this problem.

So this particular problem, if I understand well, would not be referred to this Committee.

THE RIGHT HONOURABLE P.E. TRUDEAU: It would not be referred.

HONOURABLE J.J. BERTRAND: No.

THE RIGHT HONOURABLE P.E. TRUDEAU: If the Bill should pass, as we hope it will, Mr. Turner, then of course we have provided that we will consult with the Provinces before setting up bilingual districts, and on that point we would of course be discussing this with your government, Premier Bertrand, and with all the other governments where bilingual districts apply.

Of course this does not apply to our friend from British Columbia. He has not the advantage of a bilingual district. If he feels let out, of course we can let him in.

HONOURABLE J.N. TURNER: I think then it is clear we are open to hearing your views on the constitutional aspects, and you may have some views on some of the sections. Again, as Mr. Heald and I made clear, I think, without prejudice to the right of the Federal Government to proceed after such consultation with the Bill and without prejudice to the right of any Province if that Province is not satisfied, to challenge it. If it is challenged...

HONOURABLE H.E. STROM: For clarity for myself, and perhaps others that are interested, do I take it from this that this will be an approach to the Minister of Justice by each of the interested Attorneys-General on an individual basis or are we going to have a committee?

HONOURABLE J.N. TURNER: We may meet in Regina.

(TRANSLATION)

THE RIGHT HONOURABLE P.E. TRUDEAU: You have a question, Mr. Bertrand?

HONOURABLE J.J. BERTRAND: Yes. The problem I raised yesterday had reference only to the principle of bilingual districts. I understand that as one of the modalities of your Bill. A Sub-Committee on languages was formed within the Constitutional Conference. This was a Committee of Officials. At this Committee, our representatives were opposed to the very idea of bilingual districts.

Should I understand that, according to the terms of this resolution now before us, we could not discuss that matter within the Committee because you have incorporated that within your Bill C-120?

Still it will be possible for us to discuss the heart of the matter with the Minister of Justice when we meet.

THE RIGHT HONOURABLE P.E. TRUDEAU: I believe we should be clear on the subject. The Minister of Justice, in the days which will follow, will be discussing the constitutionality of the federal Bill.

I hardly think you would discuss federal policy because it comes neither under the responsibility of the Province of Quebec nor of any other Province. We intend promoting Official Languages throughout Canada. We are doing so in a manner which appears sound as far as we are concerned. If this is constitutional, you might be opposed to us politically speaking, but you could not say that you do not like Federal legislation.

This being said, the implementation of this legislation in the Provinces through the setting up of bilingual districts does give rise to a certain number of administrative problems. It is these that we wish to discuss with the Provinces. To this end, you will probably be dealing with our Secretary of State, Mr. Pelletier, who is charged with the implementation of this Act. He will be meeting with provincial authorities in those Provinces where bilingual districts are to be set up. We would certainly not want to set up bilingual districts in a way which provincial authorities would find unacceptable without first having provided them with an opportunity to make their views known. That is why, at that stage, there will be considerable consultation. But I do not think you want us to have long discussions with all the Provinces before passing a Federal Act within our constitutional area of jurisdiction.

HONOURABLE J.J. BERTRAND: No. We had expressed reservations precisely on that point, that is on the principle of the bilingual districts as such. I thought I had understood yesterday, discussing this matter with my colleague, the Minister of Justice, that before this Act was adopted in Parliament there were two problems left to discuss; one has already been raised by certain Provinces, that is the problem of constitutionality, the other having to do with certain aspects of the legislation, especially one which has already been examined fairly completely by our representatives on the Sub-Committee of Official Languages, i.e. the bilingual districts as such.

That is the conclusion I had drawn from the answer that the Minister of Justice had given me.

THE RIGHT HONOURABLE P.E. TRUDEAU: I believe that what we can agree on is this, indeed, we have indicated as much with regard to other Provinces. In respect to certain sections, among which may be found those dealing with the setting up of bilingual districts, there will be a discussion with you. These discussions will be carried out by the Minister of Justice. We have invited proposals to improve, if required, these particular sections. We have even indicated that if this appeared to be necessary, we would be ready to amend our own Act in the House so that it may better meet provincial wishes. That is why we have called upon you, as we have called upon every other Province, to make representations and concrete proposals if you feel that our Act could be improved.

HONOURABLE J.N. TURNER: I understood the word modalities to mean as much.

THE RIGHT HONOURABLE P.E. TRUDEAU: Are we agreed?

(ENGLISH)

I believe there is agreement on that. And is this a vote? If Mr. Stanfield stays I think I will stay. Do you want to pair with me?

HONOURABLE R. STANFIELD: I don't pair with Prime Ministers!

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, I am sure if you pair with Mr. Marchand, that will be fine. Thank you very much.

We might ask Mr. Lewis if he wants to pair with one of our...

A DELEGATE: Mr. Lewis will pair with me.

(Inaudible remark)

THE RIGHT HONOURABLE P.E. TRUDEAU: It didn't always work that way!

Then we can go on to item 4(b), Fundamental Rights. We did reach agreement on this this morning and we have used the words "noting the various views and the general

interest that has been expressed", and so on.

Distribution of powers: We had better read these because we did reach a consensus yesterday but we do not have any specific resolution:

- (a) The Conference recognizes as a matter of priority a study of the distribution of powers, in particular the taxing and spending power, and directs the Continuing Committee of Officials to give its immediate attention to this aspect of the Constitution;
- (b) the Constitutional Conference agrees that the Tax Structure Committee should be convened for the purpose of examining and reporting to the first Ministers on
 - 1) the occupancy of available tax fields by each of the provincial governments and the Government of Canada; and
 - 2) Federal-Provincial shared-cost programme arrangements.

To this end the Committee would consider the aggregate of government expenditures and rate of growth, tax source available for financing these expenditures, and the potential of the total tax system, the level of borrowing by government and its effect on the Canadian economy and the balance of fiscal responsibilities and resources within each of the Provinces and the Government of Canada.

I believe this has been discussed, and I hope it meets the consensus that we had reached.

(TRANSLATION)

You have asked for the floor, Mr. Prime Minister?

HONOURABLE J.J. BERTRAND: Yes. Mr. Dozois would have a proposal at this time.

HONOURABLE P. DOZOIS: The proposal I would make would possibly be added as a new resolution, No. 5(a). Five might be adopted as such, but this would be added on to it...

THE RIGHT HONOURABLE P.E. TRUDEAU: Have you distributed that? Could you read it, Mr. Dozois?

HONOURABLE P. DOZOIS: I would then move that the following resolution be added as 5(a):

"The Conference expresses the wish that pending the discussion of the taxing and spending powers the Federal Government abstain from making new expenditures in fields within provincial jurisdiction and from reducing its contribution to existing joint programmes without prior consultation with all the Provinces and the agreement of the Provinces concerned."

(ENGLISH)

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, I expect I might want to comment a little bit on this amendment.

I did begin by saying I could not agree to it. It would have the effect, of course, of amending the Constitution here and now.

(TRANSLATION)

If we were to accept this proposal we would be agreeing, this afternoon, in what way the spending power is to be limited; we would be deciding that the ten provincial governments rather than the Government of Canada would be called upon to decide how this power is to be used when we are seeking to exercise our right to spend our money either to reduce regional disparities or to have joint programmes of the ARDA or FRED type, or for other joint programmes.

I hardly think you expect that the government will be ready to accept this limitation on its spending power.

(ENGLISH)

We have said yesterday that the spending power is something which we would want to welcome further discussion on; that we would recognize the possibility of defining the use of the federal spending power. This is one suggestion that limits this power of the Federal Government to tax Canadians in order to redistribute the wealth from the rich regions to the poor, and from the richer Canadians to the less rich Canadians.

This is one limitation on this power, and as I read it, it has the effect of asking the Parliament of Canada (which, after all, is elected by all the Canadian people and responsible to it) to abdicate this responsibility and turn over the whole matter to the provincial governments, and that you should tell us how we should use the spending power.

If may be that Mr. Smallwood does not agree with the way in which you would want to use it, and you would not agree with the way in which Premier Weir might want to use it, and that would mean the Federal Government could not exercise its function, which is vital to Canada, of redistributing opportunity across the Nation.

I don't expect we would have a long discussion on this. If you want to state your point of view, and if you can convince all the Premiers, I might want to make another speech. But I doubt whether it would be wise to attempt to amend the Constitution here and now in this way.

The spending power is obviously the most difficult of all the subjects which we have discussed in the past few days, and here at the last minute we have a suggestion for amending the Constitution, to withdraw from the Federal Government this essential function of a central government, the function of redistributing opportunity across Canada.

HONOURABLE W.A.C. BENNETT: We find ourselves in this case supporting the federal view for perhaps different reasons than the Prime Minister stated. We believe until there is a surrender, a withdrawal from the direct taxation field, then we should not release the Federal Government from responsibilities for programmes. You see we think we should do it in the Constitution change. Not now. Because we would hope they would have more programmes as long as they hold this terrific percentage of the only real progressive taxation field we have in Canada.

But what we object to - and I could not object more strongly to it if I talked for three hours - what we object to is not the Federal Government entering into new programmes and then the Provinces have an option, a choice whether they go in them with them as partners or not, but what we object strongly, very strongly, to is the Federal Government once entering programmes with the Provinces and you have got the programmes going, the Provinces cannot get out of them and then we have to pick up the federal share as well. We don't think that is fair at all, Mr. Prime Minister.

I said it yesterday and I say it again for emphasis, I hope from this Conference we will have that much more co-operation in that respect, and you will instruct your ministers to desist from withdrawing from programmes that they have already announced withdrawal from, because that is no way to build up this co-operative field we are developing in this Conference.

HONOURABLE J.J. BERTRAND: Mr. Chairman, simply to expand on what my colleague has just said, I might add that the first part of this resolution simply states that the Federal Government should abstain from making new expenditures in areas of provincial jurisdiction.

THE RIGHT HONOURABLE P.E. TRUDEAU: But that is precisely the point that should be defined. Does equalization come under the Provinces or does it come under the Federal Government? Do family allowances come under the Federal Government? Would you like us to abstain from continuing family allowances, from putting money into the Gaspé area under the ARDA plan? Would you like us to abstain from all these things?

HONOURABLE J.J. BERTRAND: No. We add "and from reducing its contribution to existing joint programmes without prior consultation with all the Provinces and the agreement of the Provinces concerned."

I believe that the proposal is in itself a definition. We all agree that education, for instance, is a matter for provincial jurisdiction. The same is true of health.

THE RIGHT HONOURABLE P.E. TRUDEAU: That is just the point. We are asking you to reduce your expenditures.

HONOURABLE J.J. BERTRAND: But we will be paying our own way at Niamey. The Federal Government has not paid for that.

THE RIGHT HONOURABLE P.E. TRUDEAU: Are these areas of provincial jurisdiction? You say yes.

HONOURABLE J.J. BERTRAND: Education comes entirely under the Provinces. I hardly see what the Federal Government has to do with education.

What authority in Canada can speak in matters of education? I would put that question to all my colleagues of the other Provinces who are sitting here with me. The

proper authority, as far as education is concerned, is the provincial authority. And when there are meetings outside of Canada dealing with matters of education, I fail to see how Mr. Sharp or any other federal minister, be they both intelligent and competent, can go there to discuss problems of education. For the moment, we look at that...

THE RIGHT HONOURABLE P.E. TRUDEAU: If I may, Mr. Bertrand. Let us say, for instance, that you should not be going to Niamey because we feel that this is a matter of international relations, that you should not concern yourself with satellites because that comes under federal jurisdiction. You will say that these matters can be discussed.

HONOURABLE J.J. BERTRAND: Mr. Prime Minister, you have raised two problems which have been in the public eye in this Country for some time. You will agree with me, I think, that both of us have attempted to show goodwill and understanding so that the Federal Government's policy, what is called foreign policy, according to the orthodox rules which have long applied in international law, and which is a matter of prime federal responsibility, may be reconciled with the role that Provinces play within their own jurisdiction. An example of that is education...

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, that is not my point, Mr. Bertrand...

HONOURABLE J.J. BERTRAND: We paid our own expenses in Kinshasa. The Government of the Province of Quebec paid those.

We are therefore asking the Federal Government to abstain from making new expenditures in areas of provincial jurisdiction. I have given two examples. The Prime Minister says: Yes, but what about equalization, what about assistance to under-developed areas?

We have answered that we are willing to see assistance given to under-developed areas in order to correct disparities. We subscribed to the principle of equalization. But we have added that if we want to do that let us at least consult the Provinces and obtain the agreement of those directly involved.

This is simply a type of machinery. A great deal has been said of co-operative machinery, of co-ordinating machinery, of consultative machinery...

Temporarily, through this choice which would be expressed at this Conference of Premiers and Prime Ministers, we would be taking a first step on the way to a new Canadian Constitution.

THE RIGHT HONOURABLE P.E. TRUDEAU: Let us assume, Mr. Bertrand, that the proposition would be reversed; let us say that the Conference would express the wish that provincial governments should abstain from undertaking new expenditures in areas of federal jurisdiction.

HONOURABLE J.J. BERTRAND: You have attempted to steer our discussion in that direction. We will have an opportunity at the end of this Conference...

THE RIGHT HONOURABLE P.E. TRUDEAU: Mr. Bertrand...

HONOURABLE J.J. BERTRAND: If I may, Mr. Chairman, just one word more.

We will have the opportunity to table a working paper on foreign relations. This is a working paper which I believe all our other colleagues, the Prime Ministers or Premiers of the other Provinces, should read. In particular, the Prime Minister of Canada should read it. At a subsequent meeting it would be possible to deal in greater depth with a problem which is of considerable interest to us in Quebec.

THE RIGHT HONOURABLE P.E. TRUDEAU: So much the better, since this discussion has made it possible for you to table this document. I am gratified.

HONOURABLE J.J. BERTRAND: I would have tabled it anyway but since you provide me with an opportunity, I will do so now.

(ENGLISH)

THE RIGHT HONOURABLE P.E. TRUDEAU: So this little interchange has permitted us to receive the tabling of a document by Premier Bertrand on external relations.

I think the Conference will be happy to take note of it, and it will be the subject of discussion at further meetings of officials.

If I could return to this item...

(TRANSLATION)

I would like to assure the Conference that I did not mean by that to say that you had no jurisdiction but merely to indicate that that is precisely the point in issue. The definition of areas of provincial jurisdiction has obviously become a matter for discussion amongst ourselves. It is impossible for us to accept or adopt this resolution for the simple reason that those areas which are supposed to be of provincial jurisdiction and, in the event, those which are of federal jurisdiction, are not defined in the resolution.

Premier Weir?

HONOURABLE W. WEIR: Mr. Prime Minister, we do not arrive at decisions here unless we have a consensus, and I recognize we are not likely to get it today. And I have no reason to extend the discussion, because I have had an opportunity to have my say. We have agreed to disagree on a few things. And I would just hope as a result of the discussions we have had, notwithstanding the fact that we do not have a resolution, that the attitude between our departments and our ministers would be better in the future as a result of it, and we might have further discussions than we have had in the past.

THE RIGHT HONOURABLE P.E. TRUDEAU: Premier Robarts?

HONOURABLE J.P. ROBARTS: I must admit that I recognize that this Conference cannot ask the Federal Government to cease functioning until we settle some constitutional difficulties. But as I read back through this particular resolution, I notice we deal, for instance, with the occupancy of available tax fields by each of the provincial governments and the Government of Canada. We ask that this be reported back to the first ministers.

Now, if we could possibly go back to my opening statement, I said I thought that the major element in achieving what we are after here is one of attitude. And expressed in this resolution we are considering now an obvious attitude that we must re-examine spending responsibilities and revenue sources to meet those responsibilities. This is self-evident from the resolution itself.

I am not being facetious when I say that I recognize that we cannot ask for any suspension of the function of the Federal Government; no more than I could agree that my own government would refrain from certain actions, because this

is liable to take some time. The point I am making is simply this: let us approach this in the right attitude.

If we are really honest in our belief that we are to review these matters to see if we can get a better working arrangement in Canada, then there will be restraint automatically exercised by both and all levels of government as we go through the day-to-day process of running our various jurisdictions.

So without expressing these things formally, and I do not like not to support a fellow provincial premier, but I do not see how we can really say that the Federal Government cannot exercise any of its sovereign powers, because it can, of course, and it must have that power.

But I would just make a further point. We in the Province of Ontario would be very disappointed if all of a sudden there was a whole new range of tax proposals from the Federal Government put before Canada, while we are trying to straighten out some of the matters that are implicit in this resolution.

If we are in earnest about what we are discussing, we should be able to work some of these things out on a practical basis.

HONOURABLE P. DOZOIS: Mr. Chairman, I might point out that this proposal does not prevent the Federal Government from involving itself in expenditures in areas of provincial jurisdiction; it simply prevents them doing so without provincial consent.

In a nutshell, I wouldn't like to have another Medicare.

THE RIGHT HONOURABLE P.E. TRUDEAU: Mr. Gerhart?

HONOURABLE E.H. GERHART: Mr. Prime Minister, Alberta is somewhat in sympathy with the proposal put forward, but we do appreciate the difficulty that you face in giving a commitment as to future expenditures of the Federal Government, or anything in this matter.

However, we did use one device earlier this afternoon that I am sure Mr. Weir of Manitoba would be pleased to utilize. For the record, we did nothing about the Languages Bill, and we had an off-the-record assurance that we would have a get-together with the Minister of Justice.

So I think probably we would be just as happy with an off-the-record assurance that we will not have the rug yanked out from under us unilaterally without prior consultation, without putting it in this resolution.

THE RIGHT HONOURABLE P.E. TRUDEAU: Well, we as federal representatives take note of these remarks and those of Premier Bertrand and Mr. Dozois' remarks, and we do realize that co-operative federalism, as Premier Robarts said yesterday, is a word in the past; but it really has to be built into the future. And all of us, the Provinces as well as the Federal Government, are only now on the verge of an era when we will have to co-operate a great deal. And I believe the Provinces as well as ourselves are setting up sections of their government to ensure co-operation and co-ordination with the Federal Government.

We only in the past few years are beginning to have a service, a department, a section dealing with Federal-Provincial co-operation, because until now it was the habit for governments in Canada to operate by the Health Ministers meeting among themselves and the Finance Ministers and Ministers dealing with Natural Resources. This has not been co-ordinated sufficiently in the past and there were no administrative arrangements; probably because in earlier times the job and work of government has not been as all-inclusive as it tends to be now. We are prepared to avoid recommitting the same sins.

Mr. Dozois, you will never have another medicare, I promise you that. I hope you will have this one though!

This is why we meet and this is why perhaps we should meet more frequently rather than to try and settle in a conference of three days the beefs that have been accumulating for a hundred years on both sides of the Federal-Provincial fence. I think we should meet more frequently and have more occasion to correct these errors of interpretation of the situation as they develop and before they become hardened.

I can say at this point we are resolved to amend our ways to be great co-operators insofar as you remind us often enough of it in the future. I am reminded by the Minister of Justice it would be well to state that participatory democracy works in the other way too and that we would appreciate it if the Provinces consulted with us at times when they are embarking on things that would be considered of at least joint jurisdictions.

Is there agreement on item number 5? Item 4(c) Distribution of Powers.

HONOURABLE W. WEIR: It really doesn't make any reference there to the short term.

THE RIGHT HONOURABLE P.E. TRUDEAU: I believe the Tax Structure Committee under 5(b) is intended to cover that.

HONOURABLE W. WEIR: Oh, I see. I thought maybe you were including all of 5 when you were asking if we were satisfied. There is no reference here to the short term.

THE RIGHT HONOURABLE P.E. TRUDEAU: Whenever we meet; whenever we decide we can meet, maybe the month of April of June.

HONOURABLE W. WEIR: I wonder if we should give the Tax Structure Committee some guidance.

THE RIGHT HONOURABLE P.E. TRUDEAU: They have guidance under I and II.

HONOURABLE W. WEIR: In terms of date.

THE RIGHT HONOURABLE P.E. TRUDEAU: I would be unable to suggest offhand how quickly this Tax Structure Committee could usefully report to us. Its last report, I believe, was the result of two years work. We would have to have a report.

HONOURABLE W. WEIR: I was hoping we could separate the two things. I thought we were trying to get this separation of the short term. While we are getting a department we have between us now the work of the Continuing Committee which is really long term. Generally speaking, while I would normally object to that I am not objecting to that. It is a Continuing Committee and because of the other changes you have made I am acceptable; the other changes being reasonable and giving directions to the Continuing Committee. The Tax Structure Committee was specifically used because of the short term condition we have. I don't want anyone to think that I am interested in coming back with the same problems in two years time.

THE RIGHT HONOURABLE P.E. TRUDEAU: Your officials will be members of that committee and so will ours and we should instruct them not to be delayed by the slowness of their Premiers.

HONOURABLE W. WEIR: I would like a consensus of what this Committee is doing. That is what I am trying to get across.

HONOURABLE J.P. ROBERTS: I think we could say the earliest opportunity...

HONOURABLE W. WEIR: I don't want to be difficult.

THE RIGHT HONOURABLE P.E. TRUDEAU: Let us take Mr. Robert's suggestion.... "Recognizing the urgency of the matter agrees the Tax Structure Committee should be convened for the purpose of examining and co-ordinating at the earliest opportunity...."

HONOURABLE W. WEIR: In the last paragraph in 5, Mr. Prime Minister, it is not clear to me that it is the Tax Structure Committee. The last paragraph refers to the Committee. I am sure that is what it means but I am wondering if we should put "Tax Structure Committee".

THE RIGHT HONOURABLE P.E. TRUDEAU: In reading it it should say "Tax Structure Committee". Is it agreed to spell out "Tax Structure Committee" in the last paragraph?

...Agreed.

Item 4(e) Regional Disparities, we covered that earlier this afternoon. Item 4(d) on the Senate we took earlier. Item 8 on the Judiciary we did earlier.

(TRANSLATION)

Item 9 Institutions related to Federalism, The National Capital, we did obtain some agreement on that, but with a somewhat modified draft. You do agree however, do you not?

HONOURABLE J.J. BERTRAND: We are in agreement on the wording.

(ENGLISH)

THE RIGHT HONOURABLE P.E. TRUDEAU: That brings us to the end of the items we have dealt with. We have not had time to deal with item 3, The Objectives of Confederation, nor item (f) Amending Procedure and Provisional Arrangements; item (g) Mechanisms of Federal-Provincial Relations.

I guess that is all the more reason to try to reconvene fairly soon and not wait for another year to elapse before meeting again.

Mr. Robarts, I believe you had asked that these items be introduced and if you wanted to say a few words we are not yet at 5.30.

HONOURABLE J.P. ROBARTS: We have really come a long way in three days, Prime Minister, and anything we do on these items between now and the end of this Conference would be so superficial as not to be really meaningful. It is obvious we are going to meet here with some frequency, I would suggest to you, Sir, that these might not just be put in abeyance but left on the agenda.

I might have just one comment for the agenda when we meet again. Perhaps we could assess the work that has been done by the various subcommittees. We are obviously going to convene here and we might start with a somewhat shorter agenda; not with the idea that what is not on the agenda is never going to be considered but just so we can devote more time to what is. I have a feeling we are rushing pretty quickly over some pretty important matters. If this is going to be a continuing process it might be easier to limit the agenda of each meeting to fewer topics, thereby allowing ourselves an opportunity to go into the topics a little more deeply and have a little more homework done on the topics when we come to the Conference.

THE RIGHT HONOURABLE P.E. TRUDEAU: We might skip Item 1 which takes a whole day. That is the Opening Statements. We don't need to go on television that badly each one in turn. I think we might skip that item.

HONOURABLE G.I. SMITH: It seems to me we could get along without that.

THE RIGHT HONOURABLE P.E. TRUDEAU: You wanted to make an announcement, Premier Smith?

HONOURABLE G.I. SMITH: It is a matter of national interest, I think, and relates to the fact that the first Canadian Summer Games are going to be held in August in Halifax, and Dartmouth, in Nova Scotia. This is a national event and we hope that we can provide it with a consistency of interest and efficient despatch of events and all that goes with it to the standard set by Quebec in the first Winter Games a couple of years ago. In particular we would

be very glad if as many premiers as could do so would come to Nova Scotia for this occasion from the 16th to the 25th of August or any day between that. You, Mr. Prime Minister, have been kind enough to consent to attend the opening ceremonies on the 16th of August and that is much appreciated.

THE RIGHT HONOURABLE P.E. TRUDEAU: Don't ask me to kick a football!

HONOURABLE G.I. SMITH: We extend the very warmest invitation to all to come and help us make this a national event and one which we will all remember.

(TRANSLATION)

HONOURABLE J.J. BERTRAND: Mr. Prime Minister, I would simply like to add a word to those spoken, particularly those spoken by the Prime Minister of Ontario. There is no objection at all from our quarters to doing away with opening statements at our subsequent conferences.

Secondly, I believe I should return once more to a very important point which I have already made. At a subsequent conference we should be looking in much greater depth at the division of powers. The work performed by the Committee of Officials has made it clear that there are considerable and basic differences between the point of view of Quebec and that of most other Provinces.

Such being the case, I would urge once again that since this matter is of the very essence of federalism, we should avail ourselves of the opportunity to be offered by the next Federal-Provincial Conference, within the general framework of this continuing Constitutional Conference, to deal frankly with the problem of the division of powers between the two levels of government. Thank you.

(ENGLISH)

HONOURABLE J.R. SMALLWOOD: Prime Minister, I don't know how long we have to go..... I just wanted to say I didn't want to see us go without there being said what is in the minds, I think, of all of us and that is the feeling of congratulation to you on your work as Chairman of the first Federal-Provincial Conference under the chairmanship; we would congratulate you on your great skill and good humour and patience and urbanity with which you have conducted this meeting. This was one of the great tests of your life, I think, and you have come through.

By the way, I promised Premier Smith that I will do down to this thing in Halifax if you get a prime minister to engage with you in ju-jutsu wrestling match... Or is that judo? Any of these prime ministers with Premier Smith!

THE RIGHT HONOURABLE P.E. TRUDEAU: Thank you, Premier Smallwood. I want to thank all of you as Chairman for your co-operation and having made my task an easy one. It is sometimes difficult and unpleasant to have to restrain participants in a meeting and as Chairman I think the only person I had to exercise restraint upon, and perhaps not enough, is myself.

I want to thank you very much for having made this a very useful meeting and a very pleasant one to chair.

(TRANSLATION)

But more importantly this was a very useful meeting. We have made considerable progress in certain constitutional areas. I do feel that this three-day conference has demonstrated that all provincial governments and the Federal Government - and, in consequence, the people of Canada as well, have taken considerable interest in this process of constitutional review. I should also add that the Federal Government desires to participate and to contribute in every possible way to the furthering of these discussions.

(ENGLISH)

In the past three days we have had a great variety of points of view. We have heard about settlements in Newfoundland and we have heard about railways in Northern British Columbia and about a great deal in between. I think that we have been made conscious not only of the great diversity of our views, a diversity which is a reflection of the Canadian people, the Canadian image, the various parts of our Country; but we have also made ourselves even more conscious of the fact that this diversity does add up to a very important unity, a unity of Country, which we are very proud to serve, and a Country which we want to see progressing ever more rapidly on the roads of prosperity and peace and happiness.

We all come away with a feeling that our tasks are important, that we are all answerable to Provinces or in our case to the electors of Canada and that it is our duty to proceed with this review of the Constitution as with our other tasks with as great urgency as we can muster and

because there is much to do and because planes are waiting,
I think I will call this Conference adjourned.

CONSTITUTIONAL CONFERENCE

SECOND MEETING

OTTAWA

FEBRUARY 1969

CONCLUSIONS OF THE MEETING1. General objectives of the Constitutional Conference
(Agenda item 2(a))

The Constitutional Conference reaffirms its intent to complete a comprehensive review of the Constitution of Canada, to assess its adequacy for present and future requirements, and to determine the extent to which constitutional change is desirable either through amendment of the existing Constitution or through promulgation of an entirely new Constitution.

2. Procedure for constitutional review
(Agenda item 2(c))

- (a) The Constitutional Conference expresses its intent that the review should proceed at an accelerated pace, now that the basic organizational and background work has been carried out. In this connection, the First Ministers will endeavour to hold more frequent sessions of the Constitutional Conference and, in addition, to have informal working sessions with the Continuing Committee of Officials, to provide more continuous direction to the process of constitutional review.
- (b) In order to maintain effective co-ordination of the constitutional review, the Conference agrees that:
 - (i) all special committees of ministers set up by the Constitutional Conference should report to the Constitutional Conference;
 - (ii) the Continuing Committee of Officials should assist other ministerial committees, as required;

- (iii) all special committees of officials should be constituted as sub-committees of the Continuing Committee of Officials;
- (iv) the Continuing Committee of Officials is authorized to establish such sub-committees, working groups or task forces as seem to be required for its purpose;
- (v) the Secretariat of the Conference should also serve all such ministerial committees and committees of officials.

3. Official Languages (Agenda item 4(a))

The Constitutional Conference recognizes that important steps have been taken by governments in the past year to encourage a fuller role for the French language throughout Canada, and it affirms that study of linguistic matters should be continued. In particular, the First Ministers agree that:

- (a) The recommendations of the Royal Commission on Bilingualism and Biculturalism, together with reports on linguistic matters from the Continuing Committee of Officials and the Sub-Committee on Official Languages, should be referred to a Committee of Ministers which should consider both the constitutional aspects of linguistic matters and the methods of implementation of language policies, including the nature of possible federal assistance for this purpose.
- (b) The Royal Commission's reports, together with other aspects of the subject of official languages, should receive such further consideration by the Continuing Committee of Officials and its Sub-Committee on Official Languages as may be required to assist the Committee of Ministers in its task.

4. Fundamental Rights
(Agenda item 4(b))

The Constitutional Conference noting the various views and the general interest that have been expressed with regard to guarantees of human rights, including those views brought before the Continuing Committee of Officials, agrees that a Committee of Ministers should be established to study all matters relating to fundamental rights, including the question of entrenchment of such rights in a constitutional charter.

5. Distribution of Powers
(Agenda item 4(c))

- (a) The Constitutional Conference recognizes as a matter of priority the study of the distribution of powers, in particular the taxing and spending powers, and directs the Continuing Committee of Officials to give its immediate attention to this aspect of the Constitution.
- (b) The Constitutional Conference, recognizing the urgency of the matter, agrees that the Tax Structure Committee should be convened for the purpose of examining, and reporting at the earliest opportunity to First Ministers, on:
 - (i) the occupancy of available tax fields by each of the provincial governments and the Government of Canada, and
 - (ii) federal-provincial shared-cost programme arrangements.

To this end the Tax Structure Committee would consider the aggregate of government expenditures and their rate of growth; the tax sources available for financing these expenditures and the potential of the total tax system; the level of borrowing by governments and its effect upon the Canadian economy; and the balance of fiscal responsibilities and resources within each of the provinces and the Government of Canada.

6. Regional Disparities
(Agenda item 4(e))

The Constitutional Conference agrees that:

- (a) the promotion of the full development of all parts of Canada is an essential objective of Confederation;
- (b) a Committee of Ministers should, taking into account the views and proposals of the various governments, consider the administrative, financial and consultative arrangements for policies and programmes required immediately to reduce regional disparities;
- (c) the Continuing Committee of Officials should give special attention to the constitutional aspects of regional disparities, with a view to reporting to a Committee of Ministers as soon as possible.

7. Reform of institutions linked with federalism -
The Senate
(Agenda item 4(d))

The Constitutional Conference while recognizing that the reform of the Senate must be considered in the context of other matters related to the basic principles, structure and powers of Government in Canada agrees that a Committee of Ministers should study possible constitutional provisions relating to the reform of the Senate and should take account in particular of the following considerations:

- (a) The Senate could represent in a more direct and effective manner than at present, the interests of the provinces and regions of Canada;
- (b) One of the ways in which this could be achieved is through appropriate changes in the method of selecting Senators, and another could be by altering the tenure of office of Senators;
- (c) It might be appropriate for the Senate to be provided with certain special powers in order to make it a more effective instrument of federalism, while at the same time adjusting its role in relation to legislation generally;

(d) The distribution of membership should reflect in an equitable manner the provinces and regions of Canada;

(e) The Government of Canada should continue to be responsible only to the House of Commons.

8. Reform of institutions linked with federalism -
The Judiciary
 (Agenda item 4(d))

The Constitutional Conference agrees that:

(a) The Constitution should provide for the independence of the Judiciary;

(b) A Committee of Ministers should, taking into account the views and proposals of the various governments, consider further provisions concerning the Supreme Court and the Judiciary.

9. Reform of institutions linked with federalism -
The National Capital
 (Agenda item 4(d))

The Constitutional Conference, subject to any comments that may be submitted, agrees that:

(a) The cities of Ottawa and Hull and their surrounding areas shall be the Canadian Capital area;

(b) No changes be made to provincial boundaries or to the constitutional responsibilities of the governments concerned.

(c) The boundaries of the Canadian Capital area are to be established by agreement of the governments concerned;

(d) In line with the aforementioned objectives, steps must be taken so that the two official languages and the cultural values common to all Canadians are recognized by all governments concerned in these two cities and in the Capital Region in general, so that all Canadians may have a feeling

of pride and participation in, and attachment to their Capital.

- (e) That the study committee on the Canadian Capital continue its work, giving particular importance to the following:
 - (i) the definition of adjacent areas which would eventually constitute, along with the cities of Ottawa and Hull, and their surrounding areas, the Canadian Capital Region.
 - (ii) the study of the administration and the financing of a tripartite organization.

APPENDIX B

DETAILED GUIDE TO CONTENTS

Page

FIRST SESSION: MONDAY MORNING, February 10

OPENING STATEMENTS:

The Right Honourable Pierre Elliott Trudeau Prime Minister of Canada	1
The Honourable J.P. Robarts Prime Minister of the Province of Ontario.	15
The Honourable Jean-Jacques Bertrand Prime Minister of the Province of Quebec .	25
The Honourable G.I. Smith Premier of the Province of Nova Scotia . .	37
The Honourable Louis J. Robichaud Premier of the Province of New Brunswick .	49

SECOND SESSION: MONDAY AFTERNOON, February 10

OPENING STATEMENTS (continued):

The Honourable Walter Weir Premier of the Province of Manitoba. . . .	61
The Honourable W.A.C. Bennett Premier of the Province of British Columbia	73
✓ The Honourable Alexander B. Campbell Premier of the Province of Prince Edward Island	97
The Honourable D.G. Steuart Deputy Premier of the Province of Saskatchewan	105
The Honourable Harry E. Strom Premier of the Province of Alberta	121
The Honourable J.R. Smallwood Premier of the Province of Newfoundland. .	139
DISCUSSION OF AGENDA	196

THIRD SESSION: TUESDAY MORNING, February 11

AGENDA ITEM 4(c) Distribution of Powers

Statements of: The Federal Government	151 160,177
British Columbia	154,162
Manitoba	158
Ontario	161,181
Quebec	164 172,180
Newfoundland	167
Nova Scotia	192
Saskatchewan	197
Concluding Discussion	201

FOURTH SESSION: TUESDAY AFTERNOON, February 11

AGENDA ITEM 4(a) Official Languages

Statements of: The Federal Government	215,238
Alberta	218
New Brunswick	219
Quebec	221
Ontario	227
Newfoundland	241
Saskatchewan	242
Nova Scotia	250
British Columbia	253
Conclusions	254

AGENDA ITEM 4(b) Fundamental Rights

Statements of: The Federal Government	257
Ontario	259
Manitoba	269

FIFTH SESSION: WEDNESDAY MORNING, February 12

AGENDA ITEM 4(b) Fundamental Rights

Statements of: Quebec	279
New Brunswick	281
✓ Prince Edward Island	283
Saskatchewan	284
Newfoundland	287
British Columbia	289
Nova Scotia	291
Alberta	292
Conclusions	293

AGENDA ITEM 4(c) Regional Disparities

Statements of: Nova Scotia	296
New Brunswick	302
✓ Prince Edward Island	306
Manitoba	311
Newfoundland	316

SIXTH SESSION: WEDNESDAY AFTERNOON, February 12

AGENDA ITEM 4(e) Regional Disparities (continued)

Statements of: Quebec	331
Ontario	332
Alberta	335
Saskatchewan	337
British Columbia	339
The Federal Government	345
Nova Scotia	350
Conclusions	352

AGENDA ITEM 4(d) Reform of Institutions
Linked with Federalism

(1) THE NATIONAL CAPITAL

Statements of: The Federal Government	355
Quebec	359

(2) THE SENATE

Statement of: The Federal Government	360
Conclusions	363

(3) THE JUDICIARY

Statements of: The Federal Government	364
Quebec	368
Saskatchewan	370
British Columbia	371
Ontario	371
Conclusions	371

	Page
AGENDA ITEM 2(c) Procedure for Constitutional Review	372
CONFERENCE CONCLUSIONS	APPENDIX A

The page numbers indicate the beginnings of significant statements.

page

ARTICLE 2 (c) procédure à suivre pour la révision	
de la constitution	417
DÉCISIONS DE LA RÉUNION	APPENDICE A
	443

Les indications quant aux pages ne sont données que pour marquer le début de la discussion sur une question.

SIXIÈME SÉANCE: MERCREDI APRÈS-MIDI 12 FÉVRIER

ARTICLE 4 (e) les disparités régionales (suite)

Déclarations: Québec 371

Ontario 373

Alberta 376

Saskatchewan 378

Colombie-Britannique 380

Gouvernement fédéral 388

Nouvelle-Écosse 394

Conclusions 395

ARTICLE 4 (d) réforme des instituts liés
au fédéralisme

(1) LA CAPITALE NATIONALE

Déclarations: Gouvernement fédéral 399

Québec 404

(2) LE SÉNAT

Déclarations: Gouvernement fédéral 405

Conclusions 408

(3) LE SYSTÈME JUDICIAIRE

Déclarations: Gouvernement fédéral 409

Québec 413

Saskatchewan 416

Colombie-Britannique 416

Ontario 416

Conclusions 417

page

ARTICLE 4 (b) les droits fondamentaux

Déclarations : Gouvernement fédéral 288

Ontario 290

Manitoba 300

CINQUIÈME SÉANCE : MERCREDI MATIN 12 FÉVRIER

ARTICLE 4 (b) les droits fondamentaux (suite)

Déclarations : Québec 313

Nouveau-Brunswick 316

Ile-du-Prince-Édouard 318

Saskatchewan 318

Terre-Neuve 321

Colombie 324

Nouvelle-Écosse 326

Alberta 327

Conclusions 327

ARTICLE 4 (e) les disparités régionales

Déclarations : Nouvelle-Écosse 331

Nouveau-Brunswick 338

Ile-du-Prince-Édouard 343

Manitoba 349

Terre-Neuve 355

page

TROISIEME SEANCE: MARDI MATIN 11 FEVRIER

ARTICLE 4 (c) : Distribution des Pouvoirs

Déclarations :

167, 177, 196

Colombie-Britannique 170, 179

Manitoba 174

Ontario 178, 201

Québec 182, 190, 199

Terre-Neuve 186

Nouvelle-Ecosse 214

Saskatchewan 219

Conclusions 224

QUATRIEME SEANCE: MARDI APRES-MIDI 11 FEVRIER

ARTICLE 4 (a) les langues officielles

Déclarations :

241, 266

Alberta 245

Nouveau-Brunswick 246

Québec 249

Ontario 254

Terre-Neuve 269

Saskatchewan 270

Nouvelle-Ecosse 280

Colombie-Britannique 283

Conclusions 284

APPENDICE B

TABLE DES MATIÈRES DÉTAILLÉE

page

PREMIÈRE SÉANCE: LUNDI MATIN 10 FÉVRIER

DÉCLARATIONS D'OUVERTURE

Le très honorable Pierre Elliott Trudeau 1

L'honorable J.P. Robarts 17

L'honorable Jean-Jacques Bertrand 27

L'honorable G.I. Smith 39

L'honorable Louis J. Robichaud 53

DEUXIÈME SÉANCE: LUNDI APRÈS-MIDI 10 FÉVRIER

DÉCLARATIONS D'OUVERTURE (suite)

L'honorable Walter Weir 67

L'honorable W.A.C. Bennett 81

L'honorable Alexander B. Campbell 107

L'honorable D.G. Stewart 115

L'honorable Harry E. Strom 133

L'honorable J.R. Smallwood 153

DISCUSSION SUR L'ORDRE DU JOUR

- (a) que les villes d'Ottawa et de Hull et leurs environs constituent la région de la capitale canadienne;
- (b) qu'il n'y ait aucune modification des frontières interprovinciales ni des attributions constitutionnelles des gouvernements.
- (c) que les limites de la région de la capitale canadienne soient établies après entente entre lesdits gouvernements;
- (d) que, conformément aux objectifs antérieurement établis il y a lieu de faire en sorte que les deux langues officielles et les valeurs culturelles communes à tous les Canadiens soient reconnues par tous les gouvernements concernés dans ces deux villes et dans la région de la capitale en général, de façon que tous les Canadiens puissent y trouver un sujet de fierté, d'appartenance et de participation;
- (e) que le comité préparatoire de la capitale canadienne poursuive ses travaux et qu'il apporte une attention particulière aux questions suivantes:
- (1) la définition des régions limitrophes qui pourraient éventuellement constituer, avec Ottawa et Hull, la région de la capitale canadienne, et
- (11) l'étude des méthodes de fonctionnement et de financement d'un organisme tripartite.

considérations suivantes:

- (a) Le Sénat pourrait représenter d'une façon plus directe et plus efficace les intérêts provinciaux et régionaux que ce n'est pas le cas actuellement;
- (b) ceci pourrait être obtenu par l'introduction de changement dans la procédure de nomination et dans la durée des fonctions des sénateurs;
- (c) il pourrait être opportun d'attribuer au Sénat certaines fonctions particulières afin d'en faire un instrument plus approprié au fédéralisme; il faudrait aussi revoir son rôle quant à la législation en général;
- (d) la répartition des sièges devrait refléter de façon équitable les diverses provinces et régions du Canada;
- (e) le gouvernement du Canada devrait continuer de n'être responsable qu'à la Chambre des communes.

8. Réforme des institutions liées au fédéralisme - Les tribunaux (Article 4(d) à l'Ordre du jour)

- (a) L'indépendance des tribunaux et des juges devrait faire l'objet d'une disposition constitutionnelle;
- (b) un comité de ministres devrait étudier les autres clauses constitutionnelles relatives aux tribunaux et à la Cour suprême, compte tenu des points de vue et des propositions des divers gouvernements.

9. Réforme des institutions liées au fédéralisme - La capitale nationale (Article 4(d) à l'Ordre du jour)

La Conférence constitutionnelle, sous réserve de tout commentaire qui pourrait être présenté, est convenue -

A cette fin, le Comité sur le régime fiscal prendra en considération la somme des dépenses gouvern-mentales et son taux de croissance, les champs d'imposition disponibles pour le financement de ces dépenses et le potentiel du régime d'imposition, le niveau des emprunts gouvernementaux et ses répercussions sur l'économie canadienne, ainsi que l'équilibre des responsabilités et des ressources fiscales dans chacune des provinces et au niveau du gouvernement du Canada.

6.

Disparités régionales
(Article 4(e) à l'Ordre du jour)

La Conférence constitutionnelle convient que:

(a) un des objectifs fondamentaux de la Confédération est le développement de toutes les régions du Canada;

(b) un comité de ministres sera chargé d'étudier les arrangements administratifs et financiers ainsi que les organismes consultatifs nécessaires à la mise sur pied de politiques et de programmes propres à atténuer rapidement les disparités régionales - ceci en tenant compte des points de vue et des propositions des divers gouvernements et

(c) le Comité permanent des fonctionnaires devra accorder une attention particulière aux aspects constitutionnels de la question des disparités régionales en vue de faire rapport à un comité ministériel aussitôt que possible.

7. Réforme des institutions liées au fédéralisme -
Le Sénat
(Article 4(d) à l'Ordre du jour)

La Conférence constitutionnelle reconnaît que la réforme du Sénat doit être étudiée en même temps que les autres questions reliées aux principes de base, à la structure et aux pouvoirs du gouvernement du Canada. Il est convenu qu'un comité de ministres devra étudier les clauses constitutives qui pourraient être introduites relativement à la réforme du Sénat, compte tenu des

officielles, feront l'objet d'études par le Comité permanent des fonctionnaires et le sous-comité sur les langues officielles, selon ce qui sera nécessaire pour aider le Comité des ministres dans sa tâche.

4.

Droits fondamentaux
(Article 4(b) à l'ordre du jour)

La Conférence constitutionnelle a pris note des différents points de vue exprimés et de l'intérêt démontré quant à la garantie des droits de l'homme, y compris les points de vue exprimés au Comité permanent des fonctionnaires et les premiers ministres sont convenus qu'un comité ministériel sera mis sur pied pour étudier toutes les questions relatives aux droits fondamentaux, y compris la question de la garantie constitutionnelle de ces droits dans une charte.

5.

Répartition des pouvoirs
(Article 4(c) à l'ordre du jour)

(a) La Conférence constitutionnelle reconnaît que la répartition des pouvoirs est une question prioritaire, surtout en ce qui concerne les pouvoirs d'imposer et de dépenser; en conséquence, elle demande au Comité permanent des fonctionnaires d'aborder l'étude de cette question en priorité.

(b) La Conférence constitutionnelle, en considération de l'urgence de cette question, convient que le Comité sur le régime fiscal devrait être convoqué afin d'examiner les domaines indiqués ci-dessous et de faire rapport aux premiers ministres dans les plus brefs délais:

(1) L'accès de chacun des gouvernements provinciaux et du gouvernement du Canada aux divers champs d'imposition; et

(11) Les ententes fédérales-provinciales relatives aux programmes à frais partagés

(ii) Le Comité permanent des fonctionnaires sera chargé d'aider les comités ministériels au besoin;

(iii) tous les comités spéciaux de fonctionnaires seront constitués en comités du Comité permanent des fonctionnaires;

(iv) Le Comité permanent des fonctionnaires est habilité à mettre sur pied tout sous-comité, groupe de travail ou commission spécialisée, qui lui semblera utile pour poursuivre ses travaux;

(v) Le Secréariat de la Conférence devra des- servir tous les comités de la Conférence constitutionnelle aux niveaux des ministres et des fonctionnaires.

3.

Langues officielles

(Article 4(a) à l'Ordre du jour)

La Conférence constitutionnelle reconnaît que des décisions importantes ont été prises par les divers gouvernements depuis un an afin d'obtenir une meilleure reconnaissance de la langue fran- çaise à travers le Canada et elle s'engage à continuer l'étude des questions linguistiques. Entre autres, les premiers ministres sont convenus que :

(a) Les recommandations de la Commission royale d'enquête sur le bilinguisme et le biculturalisme, ainsi que les travaux du Comité permanent des fonctionnaires et du sous-comité sur les langues officielles sur les questions linguistiques, feront l'objet d'un renvoi à un comité de ministres. Ce comité étudiera tant les aspects constitutionnels des questions linguistiques que la mise en oeuvre des politiques linguistiques, y compris la nature de toute aide fédérale qui pourrait être disponible à cette fin.

(b) Les rapports de la Commission royale, ainsi que les autres aspects de la question des langues

APPENDICE A

CONFÉRENCE CONSTITUTIONNELLE

DEUXIÈME RÉUNION

OTTAWA

février 1969

DÉCISIONS DE LA RÉUNION

1. Objectifs de la Conférence constitutionnelle -
Généralités
 (Article 2(a) à l'Ordre du jour)

La Conférence constitutionnelle réaffirme son intention de mener à bien une étude globale de la constitution du Canada, de déterminer si celle-ci peut satisfaire aux besoins présents et à venir, et de considérer l'opportunité de la changer, soit en modifiant la constitution actuelle ou en adoptant une nouvelle.

2. Procédure à suivre pour la révision de la
constitution
 (Article 2(c) à l'Ordre du jour)

- (a) La Conférence constitutionnelle exprime son désir de voir le processus de révision se continuer à un rythme accéléré, étant donné que le travail de base a déjà été fait. A cette fin, la Conférence constitutionnelle tentera de se réunir plus fréquemment; de plus les premiers ministres auront des séances de travail avec le Comité permanent des fonctionnaires, afin d'assurer de façon plus soutenue la direction du processus de révision constitutionnelle.

- (b) Afin d'assurer la coordination de la révision constitutionnelle, la Conférence a pris les décisions suivantes:

- (1) tous les comités ministériels mis sur pied par la Conférence constitutionnelle devront faire rapport à celle-ci;

beaucoup plus rapidement encore dans la voie du progrès, de la prospérité, de la paix et du bonheur.

En nous séparant nous restons tous pénétrés de l'importance de notre tâche. Nous sommes tous responsables envers nos provinces, ou, dans le cas du gouvernement fédéral, envers les électeurs du Canada. Nous comprenons qu'il est de notre devoir de poursuivre cette mission de révision de la constitution, ainsi d'ailleurs que nos autres tâches, aussi rapidement que possible. Comme il reste beaucoup à faire et que les avions attendent il serait bon, je pense, que je déclare que la conférence est ajournée.

La séance est levée.

Pendant que j'y suis, j'ai promis au premier ministre Smith que je me rendrais très volontiers à Halifax à condition que vous puissiez trouver un autre premier ministre disposé à faire avec vous un match de jiu-jitsu... C'est plutôt le judo n'est-ce pas? N'importe lequel des premiers ministres avec le premier ministre Smith!

LE TRÈS HONORABLE P.E. TRUDEAU: Merci M. le premier ministre Smalilwood. En ma qualité de président, je voudrais vous remercier tous de la collaboration dont vous avez fait preuve et qui a rendu ma tâche légère. Il est parfois difficile et désagréable d'avoir à imposer une certaine discipline à ceux qui participent à des réunions comme celles-ci. Or, dans ce cas-ci, la seule personne à laquelle j'ai dû imposer cette contrainte, c'était votre humble serviteur, - parce qu'il présidait précisément la réunion. Encore ne suis-je pas sûr de m'être assez contenu. Je vous remercie énormément d'avoir assuré le succès de la Conférence. C'était un plaisir de la présider.

(FRANCAIS)

Mais, plus important encore, une réunion extrêmement utile. Nous avons marqué beaucoup de progrès dans certains secteurs de la constitution, et je pense que cette Conférence de trois jours a démontré quel intérêt tous les gouvernements provinciaux, le gouvernement fédéral, et partant, le peuple du Canada portaient au processus de révision constitutionnelle.

Je voudrais cependant ajouter que c'est le désir du gouvernement fédéral de participer, de contribuer de toutes sortes de façons à l'avancement de ces discussions.

(TRANSLATION)

Dans les trois derniers jours nous avons entendu toutes sortes de points de vue. On nous a parlé des villages de Terre-Neuve, de chemin de fer du nord de la Colombie-Britannique et d'un tas de choses entre les deux. Cela nous a sans doute permis de prendre conscience non seulement de la grande diversité de nos points de vue, - diversité qui correspondent d'ailleurs à celles de la population canadienne, à la réalité canadienne, telle qu'elle s'expriment dans les diverses parties de notre pays, - mais aussi, de ce que l'ensemble de ces variations constitue une unité fort importante, celle d'un pays que nous sommes tous très fiers de servir, un pays que nous voulons voir avancer

d'ouverture du 16 août. Nous vous en sommes très reconnaissants.

LE TRÈS HONORABLE P.E. TRUDEAU: Ne me demandez pas de donner un coup de pied dans un ballon!

L'HONORABLE G.I. SMITH: Nous vous invitons tous, très cordialement, à venir nous aider à faire de ces jeux un événement national mémorable.

(FRANCAIS)

L'HONORABLE J.-J. BERRAND: Monsieur le président, je voudrais simplement dire un mot pour ajouter à ceux du Premier ministre de l'Ontario en particulier. Je n'ai aucune objection, quant à moi, à ce que les déclarations d'ouverture soient mises de côté lors des prochaines conférences.

Deuxièmement, je crois qu'il est important, et j'y reviens, que lors d'une prochaine conférence, nous abordions d'une manière plus approfondie le problème de la répartition des pouvoirs. On a noté, à la suite des travaux qui ont été effectués par le comité des fonctionnaires qu'il y a, disons, des différences assez grandes et fondamentales entre le point de vue du Québec et celui de la plupart des autres provinces.

Et comme c'est de l'essence, - j'y reviens - du fédéralisme, ce problème de la répartition des pouvoirs, j'espère qu'à l'occasion d'une prochaine réunion de cette Conférence constitutionnelle canadienne, nous pourrions aborder de front le problème de la répartition des pouvoirs entre les deux ordres de gouvernement. Merci.

(TRADUCTION)

L'HONORABLE J.R. SMALWOOD: M. le premier ministre, je ne sais combien il nous reste de temps. Je ne voudrais pas cependant que nous séparions sans que quelqu'un ait exprimé une pensée que nous avons tous, sans doute, présente à l'esprit. Je pense que nous voudrions tous vous féliciter de la façon excellente dont vous avez présidé cette première conférence fédérale-provinciale tenue depuis votre accession au pouvoir. Nous vous félicitons des grands talents dont vous avez fait montre, de votre bonne humeur, de votre patience et de votre civilité. Vous avez su triompher là d'une des grandes épreuves de votre existence.

souffrance, mais de les laisser simplement à l'Ordre du jour.

En ce qui concerne l'Ordre du jour, de notre prochaine réunion, j'aurais peut-être une observation à faire. Nous pourrions essayer de mesurer le travail accompli par les divers sous-comités. Il est clair que nous allons nous réunir de nouveau. Nous pourrions commencer par nous donner un Ordre du jour un peu plus bref. Ce n'est pas que nous ne voulions jamais examiner les questions non-inscrites à l'Ordre du jour; c'est simplement pour nous donner un peu plus de temps. J'ai l'impression que nous allons un peu vite en besogne. Il nous reste à nous arrêter à quelques questions d'une certaine importance. S'il s'agit ici d'un processus continu, il serait peut-être plus simple de raccourcir l'Ordre du jour de chaque séance. Si nous avons moins de questions à examiner, nous aurions peut-être le temps de les examiner un peu plus à fond. Nous pourrions un peu mieux préparer notre travail avant de venir à la Conférence.

LE TRÈS HONORABLE P.E. TRUDEAU: Nous pourrions supprimer l'article premier, qui prend une journée. Je songe ici aux déclarations d'ouverture. Nous n'avons pas vraiment tellement envie, les uns et les autres, de paraître ainsi à la télévision. Nous pourrions peut-être supprimer cet article de l'Ordre du jour.

L'HONORABLE G.I. SMITH: Il me semble en effet que nous pourrions nous en dispenser.

LE TRÈS HONORABLE P.E. TRUDEAU: Vous aviez une communication à faire, M. le premier ministre Smith?

L'HONORABLE G.I. SMITH: Il s'agit d'une question d'intérêt national, autant que je puisse voir. Il s'agit de la tenue des premiers Jeux d'été canadiens qui vont avoir lieu à Halifax et à Dartmouth en Nouvelle-Ecosse, au mois d'août prochain. Il s'agit d'un événement d'intérêt national. Nous espérons qu'il soit aussi intéressant et aussi bien organisé, - que les diverses compétitions se succèdent à un rythme assez rapide, - que c'était le cas pour les premiers Jeux d'hiver, tenus à Québec il y a deux ans. Nous serions enchantés, plus particulièrement, de recevoir en cette circonstance autant de premiers ministres que possible (je rappelle que ces Jeux se tiendront du 16 au 25 août). Ils pourront assister aux Jeux du commencement à la fin, ou venir pour une seule journée si cela leur convient davantage. M. le premier ministre, vous avez eu la bonté de consentir à assister aux cérémonies

Comité. Je comprends bien ce que cela veut dire, mais je me demande s'il n'y aurait pas intérêt à parler du "Comité sur le régime fiscal".

LE TRÈS HONORABLE P.E. TRUDEAU: En effet, on devrait parler du Comité sur le régime fiscal. Sommes-nous d'accord? Faut-il écrire "Comité sur le régime fiscal" dans le dernier alinéa? ... Entendu?

... Entendu.

Nous en sommes maintenant à l'article 4 e), Disparités régionales. Nous avons parlé de cette question plus tôt cet après-midi. Nous avons aussi parlé de l'article 4 d), le Sénat. Il en est de même de l'article 8 sur l'appareil judiciaire.

(FRANCAIS)

LE TRÈS HONORABLE P.E. TRUDEAU: L'item 9: les institutions relatives au fédéralisme; la capitale nationale, nous avons obtenu un accord là-dessus, mais avec un texte légèrement modifié, - mais vous êtes d'accord?

(TRADUCTION)

LE TRÈS HONORABLE P.E. TRUDEAU: Nous en venons donc à la fin des articles que nous avons examinés. Nous n'avons pas eu le temps de nous arrêter à l'article 5, les objectifs de la Confédération, ni à l'alinéa f), le dispositif de modification et les dispositions provisoires, pas plus qu'à l'alinéa g), mécanismes des relations fédérales-provinciales.

Tout ceci nous engage donc à nous réunir de nouveau d'ici assez peu de temps, au lieu d'attendre encore un an. M. Robarts, c'est vous qui aviez proposé que l'on mette en discussion ces dispositions. Il n'est pas encore 5 heures et demie. Vous avez le temps, si vous le désirez, d'en dire quelques mots.

L'HONORABLE J.P. ROBERTS: Nous avons réalisé en trois jours de grands progrès, M. le premier ministre. Il nous reste si peu de temps d'ici la fin de cette conférence, que nous ne saurions traiter ces questions que d'une façon absolument superficielle. Cela n'aurait aucun sens. Il est clair que nous allons nous rencontrer ici assez souvent. Me permettrez-vous de proposer, M. le premier ministre, de ne pas laisser ces questions en

était le fruit de deux ans de travail. Il faudrait bien qu'on nous présente un rapport.

L'HONORABLE W. WEIR: Je me demandais si nous ne pourrions pas distinguer ces deux éléments. Je croyais à court terme. Nous sommes bien en train de créer un ministère, mais d'ici qu'il puisse agir, il faudra que le Comité permanent ait terminé ses travaux. C'est ce que j'appelle "à long terme". Généralement parlant je m'y opposerais, mais pour l'instant ce n'est pas mon intention. Il s'agit là d'un Comité permanent. A cause des autres changements que vous avez fait je vais me ranger à votre avis. Je le fais en particulier parce que les autres changements sont raisonnables, en ce sens qu'ils indiquent une ligne de conduite au Comité permanent. On a eu recours particulièrement au Comité sur le régime fiscal à cause de la nécessité de trouver certaines solutions à court terme. Je ne voudrais pas que l'on puisse croire le moins du monde que je voudrais revenir dans deux ans sur les mêmes questions.

LE TRÈS HONORABLE P.E. TRUDEAU: Vos fonctionnaires seront membres de ce Comité, comme les nôtres. Nous devons leur faire savoir qu'ils n'ont pas à ralentir leurs travaux à cause de la lenteur de leur premier ministre.

L'HONORABLE W. WEIR: Je voudrais que l'on soit bien d'accord sur ce que ce Comité est en train de faire. Voilà ce que je voudrais faire comprendre.

L'HONORABLE J.P. ROBERTS: Nous devrions dire "dans les délais les plus brefs"...

L'HONORABLE W. WEIR: Je ne veux pas me montrer difficile.

LE TRÈS HONORABLE P.E. TRUDEAU: Acceptons donc l'idée de M. Roberts... "reconnaissant l'urgence de la question sont convenus qu'il y a lieu de réunir le Comité sur le régime fiscal et le charger d'examiner et de coordonner dans les délais les plus brefs..."

L'HONORABLE W. WEIR: Dans le dernier alinéa de 5, Monsieur le premier ministre, il n'est pas précisé, autant que je puisse voir, qu'il s'agit bien du Comité sur le régime fiscal. Il est question, dans le dernier alinéa, du

fédéral-provincial. Nous devrions nous réunir plus souvent. Cela nous donnerait de meilleurs occasions de faire disparaître ces erreurs d'interprétations au fur et à mesure qu'elles se présentent, avant qu'elle n'ait entraîné un durcissement de nos positions.

Disons tout de suite que nous sommes disposés à devenir de parfaits collaborateurs, dans la mesure où la justice me rappelle qu'il serait peut-être bon que je dise ici que la démocratie de participation marche dans les deux sens. Nous serions, en effet, reconnaissants si les initiatives qui, selon nous, sont tout au moins de compétence partagée, nous consultaient.

Sommes-nous d'accord sur l'article 5? Article 4 c), répartition des compétences.

L'HONORABLE W. WEIR: Il n'est pas du tout question des problèmes à court terme.

LE TRÈS HONORABLE P.E. TRUDEAU: J'ai l'impression que l'allusion de 5 b) au Comité sur le régime fiscal vise précisément ce point là.

L'HONORABLE W. WEIR: Je vois. Je me demandais si vous parliez de 5 tout entier en nous demandant si nous étions satisfaits. Il n'est pas question ici des problèmes à court terme.

LE TRÈS HONORABLE P.E. TRUDEAU: Quand nous nous rencontrerons, je ne sais pas quand cela pourra être, peut-être au mois d'avril ou au mois de juin...

L'HONORABLE W. WEIR: Je me demande si nous ne pourrions pas orienter un peu les travaux du Comité sur le régime fiscal.

LE TRÈS HONORABLE P.E. TRUDEAU: On trouvera cela à 1 et 2.

L'HONORABLE W. WEIR: Je parlais d'une date.

LE TRÈS HONORABLE P.E. TRUDEAU: Je me sens bien incapable de dire tout de suite dans quel délai il serait possible au Comité des structures fiscales de nous faire un rapport utile. Son dernier rapport, si je ne m'abuse,

Loi sur les langues officielles. On nous a cependant assurés que nous pourrions nous réunir avec le ministre de la Justice.

Dans ces conditions, nous nous contenterions tout aussi bien d'une assurance de ce genre. Nous serions heureux qu'on nous assure officiellement qu'on ne viendra pas nous couper l'herbe sous le pied sans nous consulter. Il n'est pas nécessaire, pour cela, de rédiger une résolution.

LE TRÈS HONORABLE P.E. TRUDEAU: Et bien, nous, représentants fédéraux, prendrons note de ces observations, comme de celles du premier ministre Bertrand et de M. Dozois.

Nous nous rendons parfaitement compte que le fédéralisme coopératif, comme le disait hier le premier ministre

Robarts, n'a été dans le passé qu'une formule qu'il nous faudra réaliser à l'avenir. Tous, provinces aussi bien que gouvernement fédéral, nous sommes précisément à la veille d'une ère où nous devons trouver le moyen de collaborer dans une large mesure. Je suis convaincu que les provinces, comme nous d'ailleurs, sont en train de créer des services à l'intérieur de leurs ministères de façon à assurer la collaboration avec le gouvernement fédéral et la coordination de leurs actions avec la nôtre.

Nous avons un service, une section si vous voulez, compétente en matière de collaboration fédérale-provinciale.

Mais cela ne remonte qu'à quelques années. Jusqu'ici les gouvernements canadiens avaient pris l'habitude, par exemple, de traiter des affaires de santé par l'entremise des ministres de la santé, des affaires financières par celles des ministres des Finances, des affaires relatives aux ressources naturelles par l'entremise des ministres compétents. La coordination n'a pas été suffisamment étroite dans le passé. Il n'existait aucune disposition administrative ferme à cet égard. Le travail des gouvernements n'était pas aussi total qu'il tend actuellement à l'être. Nous sommes prêts à éviter de retomber dans les mêmes errements.

M. Dozois, vous n'aurez plus jamais un autre Medicare, je puis vous le promettre. Mais j'espère que vous aurez celui-ci!

Voilà précisément pourquoi nous nous rencontrons. Voilà pourquoi nous devrions sans doute nous rencontrer plus souvent. Cela vaudrait mieux que d'essayer de régler dans une conférence de trois jours les difficultés qui se sont accumulées depuis cent ans, des deux côtés du mur

quotidienne, à l'intérieur de leur domaine de compétence propre.

Je ne voudrais pas exprimer ces pensées d'une façon formelle; je n'aime pas être en désaccord avec un autre premier ministre provincial, mais je ne vois vraiment pas comment nous pouvons prier le gouvernement fédéral de ne pas exercer sa souveraineté car il est revêtu de ses pouvoirs et cela reste indispensable.

Me permettra-t-on de dire autre chose? Nous, de la province d'Ontario, serions cruellement déçus si, brusquement, le gouvernement fédéral allait saisir le Canada de toute une nouvelle gamme de propositions fiscales. Je le disais hier, ainsi qu'en témoignent les journaux du matin. Il serait désolant que cela se produise au moment où nous essayons de mettre bon ordre à certaines des difficultés dont il est fait état dans cette résolution.

Si nous sommes vraiment sérieux nous devons pouvoir trouver à certaines de ces difficultés des solutions pratiques.

(FRANCAIS)

L'HONORABLE P. DOZOIS: Monsieur le président, je vous ferais remarquer que la proposition n'empêche pas le gouvernement fédéral de faire des dépenses dans le domaine qui relève des provinces, mais l'empêcherait d'en faire sans le consentement des provinces.

(TRANSLATION)

Bref, je ne voudrais pas avoir un autre Medicare.

LE TRÈS HONORABLE P.E. TRUDEAU: M. Gerhart?

L'HONORABLE E.H. GERHART: Monsieur le premier

ministres, l'Alberta serait tentée d'accueillir favorablement la proposition qui vient de nous être faite. Nous comprenons bien cependant l'inconvénient qu'il y aurait pour vous à prendre ici certains engagements en ce qui concerne les dépenses futures du gouvernement fédéral, ou d'autres questions de ce genre.

Plus tôt cet après-midi nous avons eu recours à une formule que M. Weir du Manitoba serait, j'en suis convaincu, enchanter d'utiliser de nouveau. Officiellement, nous avons convenu de ne rien faire en ce qui concerne le projet de

L'HONORABLE W. WEIR: M. le premier ministre, nous n'arriverons à des décisions ici qu'à l'unanimité. Je suis à peu près persuadé que nous ne nous mettrons pas d'accord sur cette question aujourd'hui. Je n'ai aucune raison de prolonger le débat, ayant eu l'occasion de dire ce que j'avais à dire. Nous nous sommes mis d'accord pour ne pas être du même avis sur certaines choses. Je souhaite seulement que, par suite des discussions que nous avons eues, et nonobstant le fait que nous n'avons pas de résolutions à adopter, que les rapports entre nos ministères et nos ministres s'en trouveront améliorés. Nous pourrions discuter d'avantage à l'avenir que ce n'a été le cas jusqu'ici.

LE TRÈS HONORABLE P.E. TRUDEAU: Monsieur le premier ministre Roberts?

L'HONORABLE J.P. ROBERTS: Je dois reconnaître que la Conférence ne saurait prier le gouvernement fédéral de cesser de fonctionner jusqu'à ce que nous ayons réglé quelques difficultés d'ordre constitutionnel. Mais si je re lis cette résolution je constate qu'il y est question de l'occupation simultanée des domaines d'imposition disponibles, par chacun des gouvernements provinciaux et par le gouvernement du Canada. Nous voulons qu'il en soit fait rapport aux premiers ministres.

Pourrions-nous revenir à mon allocution d'ouverture. Je crois avoir dit à ce moment là que, selon moi, la meilleure façon d'arriver à quelque chose, c'était d'agir dans un certain esprit. Or, si je regarde le texte de cette résolution, je dois en conclure que nous sommes en train d'examiner la question d'imposer et de dépenser à la lumière de nos responsabilités. Il se manifeste là un certain esprit. Il suffit, pour s'en rendre compte, de lire la résolution.

Je ne plaisante pas en disant que je reconnais volontiers que nous ne pouvons pas demander au gouvernement fédéral de cesser de fonctionner. Je ne saurais pas d'avantage convenir que mon propre gouvernement devrait s'abstenir de faire certaines choses car tout cela risque de prendre du temps. Je veux simplement dire que nous devons manifester ici l'état d'esprit qu'il faut.

Si nous sommes vraiment honnêtes en prétendant que nous devons revoir ces questions afin de mettre au point, au Canada, des méthodes améliorées, il faudra absolument que tous les niveaux de gouvernement s'imposent à eux-mêmes une certaine discipline dans leur vie administrative

L'HONORABLE J.-J. BERTRAND: Si vous me permettez, monsieur le président, juste un mot de plus.

Nous aurons l'occasion de remettre un document de travail sur les relations avec l'étranger, document de travail que j'invite tous nos collègues premiers ministres des autres provinces, et le Premier ministre du Canada en particulier, à lire; et lors d'une prochaine rencontre, nous pourrions aborder plus en profondeur ce problème qui nous intéresse vivement, au Québec.

LE TRÈS HONORABLE P.E. TRUDEAU: Tant mieux, puisque notre colloque vous a permis, vous a donné l'occasion de déposer un document, et j'en suis ravi.

L'HONORABLE J.-J. BERTRAND: Je l'aurais déposé quand même. Mais vous m'en fournissez l'occasion et j'en profite immédiatement.

(TRANSCRIPTION)

LE TRÈS HONORABLE P.E. TRUDEAU: Ce petit échange nous a donc permis de recevoir un document, qui est déposé par M. le premier ministre Bertrand, sur les affaires extérieures.

La Conférence sera heureuse d'en prendre note et il en sera question à des réunions ultérieures de fonctionnaires. Me permettra-t-on maintenant de revenir à cet article...

(FRANÇAIS)

Je voudrais assurer la Conférence que mes propos n'étaient pas de dire que vous n'aviez pas juridiction, mais de dire que c'est cela dont on discute; et les domaines qui relèvent des provinces sont, de toute évidence, à la suite de nos échanges, en discussion entre nous. Alors, il est impossible pour nous d'accepter, d'adopter cette résolution précisément parce que les domaines qui relèvent des provinces, et en l'occurrence, les domaines qui relèvent du fédéral, ne sont pas précisés dans cette résolution.

(TRANSCRIPTION)

M. le premier ministre Weir.

de la bonne volonté, mais de l'esprit de compréhension, pour que d'une part, la politique du gouvernement central, que l'on appelle la politique étrangère, ou suivant les règles orthodoxes depuis toujours reconnues en droit international, le gouvernement central a un rôle primordial à jouer, puisse se concilier avec le rôle que les provinces doivent jouer dans leur juridiction. Exemple: l'éducation...

LE TRÈS HONORABLE P.E. TRUDEAU: Mais, ce n'est pas mon propos, monsieur Bertrand...

L'HONORABLE J.-J. BERTRAND: Et à ce moment-là, les dépenses à Kinsasha, entre autres, nous les avons payées. Le gouvernement du Québec a payé ces dépenses...

LE TRÈS HONORABLE P.E. TRUDEAU: Justement, on vous demande de vous réduire vos dépenses.

L'HONORABLE J.-J. BERTRAND: A Niamey, nous allons les payer également. Et ce n'est pas le gouvernement fédéral qui a assumé ces dépenses-là.

LE TRÈS HONORABLE P.E. TRUDEAU: Sont-ce des domaines qui relèvent des provinces? Vous dites: oui?

L'HONORABLE J.-J. BERTRAND: L'éducation relève entièrement des provinces. Je ne vois pas ce que le gouvernement fédéral vient faire dans le domaine de l'éducation. Qui est l'autorité au Canada pour parler en matière d'éducation? Je le demanderais à tous mes collègues des autres provinces qui sont ici, - l'autorité, en matière d'éducation, c'est l'autorité provinciale. Et quand il y a, à l'extérieur du Canada, des conférences où il est question d'éducation, je ne vois pas comment monsieur Sharp ou un autre ministre fédéral, si intelligent, si compétent soit-il, pourrait aller là et discuter des problèmes de l'éducation. Pour le moment, nous l'envisageons...

LE TRÈS HONORABLE P.E. TRUDEAU: Si vous permettez, monsieur Bertrand...

L'HONORABLE J.-J. BERTRAND: Vous avez voulu orienter la discussion de ce côté-là; nous aurons l'occasion, à la fin de cette Conférence...

LE TRÈS HONORABLE P.E. TRUDEAU: Monsieur Bertrand...

de l'argent en Gaspésie, en vertu du plan ARDA? voudriez-vous que nous nous abstenions de ces choses?

L'HONORABLE J.-J. BERTRAND: Non. Et on ajoute: "et de réduire sa participation aux programmes conjoints déjà existants, et à ce moment-là, sans consultation de toutes les provinces, et consentement préalable des provinces intéressées".

Je crois que cette proposition met l'accent d'abord sur une définition, et nous nous entendons tous, par exemple, pour dire que le domaine de l'éducation, c'est un domaine des provinces; le domaine de la santé, c'est un domaine des provinces. Alors, nous demandons au gouvernement fédéral de s'abstenir de faire de nouvelles dépenses dans des domaines qui relèvent des provinces. J'ai donné deux exemples. A ce moment-là, le Premier ministre dit: oui, mais que faites-vous de la péréquation? que faites-vous de l'aide aux régions sous-développées?

Nous l'avons dit: nous acceptons qu'il y ait une aide apportée à des régions sous-développées, pour corriger les inégalités. Nous acceptons le principe de la péréquation. Et nous ajoutons que si on fait ça, au moins, qu'on ait la consultation des provinces, et le consentement préalable des provinces intéressées.

C'est tout simplement un mécanisme, - on parle de mécanisme de coopération un mécanisme de coordination, un mécanisme de consultation, et, temporairement, par ce choix qui serait exprimé par la conférence des Premiers ministres, ce serait un premier jalon de posé en attendant la nouvelle constitution canadienne.

LE TRÈS HONORABLE P.E. TRUDEAU: Supposons, monsieur Bertrand, qu'on renversait la proposition et qu'on disait que la Conférence souhaite que le gouvernement provincial s'abstienne de faire de nouvelles dépenses dans des domaines qui relèvent du gouvernement fédéral? Par exemple, que vous n'alliez pas au Niamey, parce qu'on dit que c'est des relations internationales. Que vous ne vous intéressiez pas aux satellites parce que ça relève de la juridiction fédérale. Vous diriez: c'est à discuter.

L'HONORABLE J.-J. BERTRAND: Vous soulevez là, monsieur le Premier ministre, deux problèmes, qui depuis quelque temps ont été portés devant l'opinion publique canadienne. Vous allez reconnaître avec moi, je le crois, que nous avons tous deux tenté de démontrer non seulement

L'autoriser à échapper aux responsabilités encourues par lui dans le cadre de divers programmes. Voyez-vous, cela devrait se faire, selon nous, en modifiant la constitution, pas maintenant. J'espère bien que le gouvernement fédéral puisse augmenter le nombre de ses programmes aussi longtemps qu'il reste maître de cette énorme proportion du seul domaine d'impôt au Canada susceptible d'augmenter dans des proportions notables.

Ce à quoi nous nous opposons, c'est ceci. D'ailleurs, je ne saurais m'y opposer plus énergiquement si je parlais pendant trois heures. Ce à quoi nous nous opposons, dis-je, ce n'est pas à ce que le gouvernement fédéral participe à de nouveaux programmes en donnant aux provinces un certain choix, le choix de s'associer ou de ne pas s'associer à lui, mais à ce que le gouvernement fédéral prenne l'initiative de programmes conjoints, auxquels il participe avec les provinces, et, cela fait, qu'il s'en retire alors que les provinces sont engagées de sorte qu'elles sont bien obligées de payer ce qui aurait normalement été la part du fédéral. C'est à cela que nous nous opposons énergiquement. Ce n'est pas juste du tout, Monsieur le premier ministre.

Je le disais hier et je le répète aujourd'hui pour bien me faire comprendre. J'espère que de cette Conférence-cé-ci il sortira une collaboration plus étroite à cet égard. Je souhaite que vous donniez des instructions à vos ministres de s'abstenir de se retirer des programmes dont ils ont annoncé qu'ils avaient l'intention de se retirer. En effet, ce n'est pas là une façon de développer cet esprit de collaboration qui s'est manifestée à cette Conférence-ci.

(FRANCAIS)

L'HONORABLE J.-J. BERTRAND: Monsieur le président, je voudrais tout simplement ajouter ceci aux propos de mon collègue, il me semble que la première partie de cette proposition, voulant dire que le gouvernement fédéral s'abstienne de faire des nouvelles dépenses dans les domaines qui relèvent des provinces.

LE TRÈS HONORABLE P.E. TRUDEAU: C'est justement cela qu'il s'agit de définir: est-ce que la péréquation relève des provinces ou du gouvernement fédéral? est-ce que les allocations familiales relèvent des provinces ou du fédéral? voudriez-vous que nous abstenions de continuer les allocations familiales? nous abstenir de verser

Nous ajoutons que nous reconnaissons la possibilité de définir l'utilisation que le gouvernement fédéral pourrait en faire. Mais il s'agit ici d'une idée selon laquelle les attributions du gouvernement fédéral à cet égard seront limitées, c'est-à-dire qu'il ne pourrait plus imposer les Canadiens de façon à redistribuer la richesse des régions riches aux régions pauvres, qu'il ne pourrait plus imposer le Canadien riche pour en faire profiter le Canadien moins riche.

Il s'agit donc de limiter ce pouvoir. Si j'ai bien compris, cela revient à demander au Parlement du Canada (qui, somme toute, est élu par la population et responsable à celle-ci) d'abdiquer cette responsabilité et de la confier toute entière aux gouvernements provinciaux. C'est vous qui vous trouvez à nous dire comment nous devons utiliser ce pouvoir.

Il est possible que M. Smallwood ne soit pas d'accord avec vous sur la façon dont vous entendez user de ce droit. Il est possible aussi que vous ne seriez pas d'accord avec la façon dont le premier ministre Weir pourrait vouloir en user. Cela reviendrait à dire que le gouvernement fédéral ne pourrait plus exercer ses fonctions, vitales pour le Canada, qui consistent à réaliser une péréquation des avantages d'un bout à l'autre du pays.

Je ne pense pas que nous voulions avoir une longue discussion à ce sujet. Peut-être voudriez-vous exprimer votre point de vue. Si vous pouvez convaincre tous les premiers ministres je pourrais alors avoir envie de faire à mon tour un autre discours. Je doute néanmoins qu'il serait sage d'essayer de modifier la constitution tout de suite, de cette façon là.

Ce droit que nous avons de dépenser est certainement la plus difficile de toutes les questions qui ont fait l'objet de nos discussions depuis quelques jours. Or, la Constitution, de retirer au gouvernement fédéral cette fonction essentielle à tout gouvernement central, c'est-à-dire le droit de réaliser la péréquation des avantages d'un bout à l'autre du Canada.

L'HONORABLE W.A.C. BENNETT: Dans ce cas-ci, nous appuyons le point de vue fédéral, mais pour des motifs peut-être autres que ceux dont a parlé le premier ministre. En ce qui nous concerne, tant qu'il n'y aura pas eu retrait du fédéral du domaine de l'impôt direct, nous ne saurions

LE TRÈS HONORABLE P.E. TRUDEAU: Est-ce que vous l'avez distribuée?

Alors, voulez-vous la lire, monsieur Dozois?

L'HONORABLE P. DOZOIS: Alors, je proposerais qu'on ajoute comme 5 A., la résolution suivante:

"La Conférence souhaite que d'ici la fin des discussions portant sur le pouvoir de taxer et de dépenser, le gouvernement fédéral s'abstienne de faire des nouvelles dépenses dans les domaines qui relèvent des provinces et de réduire sa participation aux programmes conjoints déjà existants, sans consultation de toutes les provinces et consentement préalable des provinces intéressées".

(TRANSCRIPTION)

LE TRÈS HONORABLE P.E. TRUDEAU: On me permettra peut-être de dire quelques mots de cette proposition d'amendement.

Je vais commencer par dire que je ne saurais l'approuver. Cela aurait pour effet, cela va de soi, de modifier la constitution sans plus attendre.

(FRANCAIS)

Si nous acceptons cette proposition, nous déciderions, dès cet après-midi, de quelle façon le pouvoir de dépense doit être limité, et nous déciderions que ce serait les dix gouvernements provinciaux plutôt que le gouvernement du Canada qui seraient appelés à décider comment on devrait en user, lorsqu'il s'agit d'exercer notre droit de dépenser nos fonds soit pour alléger des disparités régionales, soit pour avoir des plans conjoints de la nature de ARDA ou FRED, soit pour d'autres plans conjoints?

Et je ne pense pas qu'on s'attende à ce que le gouvernement, ici, accepte cette seule suggestion pour limiter le pouvoir des dépenses.

(TRANSCRIPTION)

Nous disions hier que nous accepterions avec satisfaction toute discussion au sujet du pouvoir de dépenser.

a) La Conférence reconnaît qu'il y a lieu d'examiner, en priorité, la question de la répartition des compétences, notamment la question des pouvoirs d'imposer et de dépenser; en conséquence, elle prie le Comité permanent des fonctionnaires de s'arrêter immédiatement à cet aspect de la constitution;

b) La Conférence constitutionnelle convient qu'il y a lieu de réunir le Comité sur le régime fiscal en vue de procéder à un examen des questions suivantes, et d'en faire rapport aux premiers ministres:

1. L'occupation des domaines d'impôts disponibles par chacun des gouvernements provinciaux et par le gouvernement du Canada; et,

2. Les accords fédéraux-provinciaux dits à frais partagés.

A cette fin, le Comité envisagera le total des dépenses gouvernementales, les taux de croissance, les sources d'impôts disponibles en vue du financement des dépenses précitées et le potentiel du régime tout entier, les emprunts des divers gouvernements et les effets desdits emprunts sur l'économie canadienne et l'équilibre des responsabilités et des ressources fiscales à l'intérieur de chacune des provinces ainsi que du gouvernement du Canada. J'ai l'impression que la question a été discutée. J'espère que cela explique bien les sentiments sur lesquels nous nous étions mis d'accord.

(FRANCAIS)

Vous demandez la parole, monsieur le premier ministre?

L'HONORABLE J.-J. BERTRAND: Voici, monsieur Dozois aurait une proposition à faire, à ce stade-ci.

L'HONORABLE P. DOZOIS: La proposition que j'ai à faire, ça serait peut-être d'ajouter une résolution 5 A. On pourrait peut-être adopter la résolution 5 telle quelle, cette autre proposition s'y ajouterait...

certaines touchant à la création de district bilingues, ils vont en discuter avec vous, - le ministre de la Justice va le faire. Nous, nous les invitons à faire des propositions pour améliorer, s'il le faut, ces sections, ces articles. Nous avons même dit que si cela s'imposait, nous amènderions notre propre loi en Chambre, pour la rendre plus conforme aux désirs provinciaux. C'est pourquoi nous vous invitons, comme toutes les autres provinces, à faire des représentations et des propositions concrètes si vous voyez des manières pour nous d'améliorer notre loi.

L'HONORABLE J.N. TURNER: C'est comme ça que j'ai compris le mot "modalités".

LE TRÈS HONORABLE P.E. TRUDEAU: C'est d'accord?

(TRADUCTION)

Je pense que nous sommes d'accord là-dessus. Est-ce une mise aux voix? Si M. Stanfield reste, je vais rester aussi. Voulez-vous faire la paire avec moi?

L'HONORABLE R. STANFIELD: Je ne fais pas la paire avec les premiers ministres!

LE TRÈS HONORABLE P.E. TRUDEAU: Si vous la faites avec M. Marchand, tout ira bien. Merci beaucoup.

Nous pourrions demander à M. Lewis s'il veut faire la paire avec l'un d'entre nous. Une voix: M. Lewis fera la paire avec moi.

(Observations inaudibles).

Cela n'a pas toujours marché aussi bien.

Nous pouvons donc maintenant passer à l'article 4 b) - Droits fondamentaux. Nous nous étions effectivement mis d'accord là-dessus ce matin. Nous avons utilisé l'expression "a pris note des diverses opinions et de l'intérêt général exprimé...", etc.

Répartition des compétences. Autant lire ceci parce que nous ne nous sommes pas mis d'accord là-dessus; nous n'avions d'ailleurs pas de proposition précise à avancer.

de la constitutionnalité de la loi fédérale.

Pour ce qui est de la politique fédérale, je ne pense pas que vous pourriez la discuter, parce qu'elle ne relève pas de la province de Québec ni d'aucune des autres provinces. Nous avons l'intention de promouvoir les langues officielles à travers le Canada; nous le faisons d'une façon que nous jugeons bonne. Si cette façon est constitutionnelle, je crois que vous pourriez peut-être vous opposer sur le plan politique, mais vous ne pourriez pas dire que vous n'aimez pas les lois fédérales.

Ceci dit, l'application de cette loi dans les

provinces, par la création des districts bilingues, pose un certain nombre de problèmes d'administration que nous voudrions discuter avec les provinces. Et, à cette fin, ce sera probablement notre secrétaire d'Etat, monsieur Pelletier, qui est chargé de l'administration de cette loi, qui aura à rencontrer les autorités provinciales dans toutes les provinces où les districts bilingues doivent être créés; et nous ne voudrions certainement pas créer des districts bilingues d'une façon qui serait inacceptable aux autorités provinciales, sans leur avoir donné la chance de faire connaître leur point de vue.

C'est pourquoi il y aura, à cette date-là, beaucoup de consultations. Mais, je ne pense pas que vous nous demandiez, avant d'adopter une loi fédérale constitutionnelle de notre juridiction, d'avoir des discussions fort longues avec toutes les provinces.

L'HONORABLE J.-J. BERTRAND: Non, mais nous avons exprimé des réserves justement sur le concept du district bilingue comme tel, et j'avais compris hier, en discutant avec mon collègue, le ministre de la Justice, que même avant que cette loi ne soit adoptée au Parlement, il y aurait deux problèmes à discuter: l'un qui a été soulevé par certaines provinces, celui de la constitutionnalité; et l'autre, qui est également une modalité et qui a fait l'objet d'une étude un peu plus complète de la part de nos représentants au sous-comité des langues officielles: les districts bilingues comme tels.

C'est ce que j'avais compris de la réponse qui m'avait été fournie par le ministre de la Justice.

LE TRÈS HONORABLE P.E. TRUDEAU: Je crois que ce dont nous pouvons convenir, nous l'avons indiqué à l'endroit d'autres provinces, c'est que sur certains articles, dont

Cela ne vaut évidemment pas pour notre ami de la Colombie-Britannique. Il n'a pas l'avantage d'avoir chez lui un district bilingue. S'il se sent oublié, nous pourrions peut-être trouver moyen de le faire participer.

L'HONORABLE J.N. TURNER: Je pense que nous sommes bien d'accord. Nous sommes tout à fait disposés à vous entendre sur les aspects constitutionnels de ce projet de loi, voire sur certains de ses articles. Mais, je le répète, M. Heald et moi avons bien précisé que tout cela pourrait se faire sans préjudice du droit du gouvernement fédéral de faire adopter son projet de loi après avoir consulté les provinces, sans préjudice non plus du droit d'une province qui ne serait pas satisfaite de mettre en doute la légalité de ce texte. Dans ce cas...

L'HONORABLE H.E. STROM: Pour que je comprenne bien moi-même et pour que d'autres que la question pourraient intéresser comprennent bien aussi. Dois-je conclure de tout ceci que chacun des procureurs-généraux intéressés devra pressentir en particulier le ministre de la Justice? Va-t-il y avoir un comité?

L'HONORABLE J.N. TURNER: Il est possible que nous nous rencontrions à Regina.

(FRANCAIS)

LE TRÈS HONORABLE P.E. TRUDEAU: Il y a une question monsieur Bertrand?

L'HONORABLE J.-J. BERTRAND: Voici: le problème que j'avais soulevé hier portait seulement sur le concept même des districts bilingues. Je comprends que c'est une des modalités de votre loi. Il y avait eu un sous-comité des langues qui avait été formé au sein de la Conférence constitutionnelle canadienne, au niveau des fonctionnaires, et nos représentants avaient fait des représentations à l'encontre de la conception du district bilingue comme tel.

Alors, je dois comprendre que dans cette résolution qui nous est présentée ici, on ne pourrait pas en discuter étant donné que c'est dans votre Loi C-120. Mais, on pourra quand même discuter du fond du problème avec le ministre de la Justice lors des rencontres que nous aurons avec lui.

LE TRÈS HONORABLE P.E. TRUDEAU: Je pense que c'est important d'être clair sur ce sujet: c'est que le ministre de la Justice, dans les jours qui vont suivre, va discuter

LE TRÈS HONORABLE P.E. TRUDEAU: C'est ce qu'on a proposé ici, et c'est sur quoi on s'est mis d'accord, je pense.

L'HONORABLE W. WEIR: Il n'en n'est pas question dans ces documents. J'avais pensé que l'alinéa a), aspects constitutionnels des questions linguistiques, pourrait faire une place au Bill C-120. Toutefois, puisque nous nous comprenons bien et puisqu'il s'agit ici d'un comité ad hoc qui se réunira de son côté...

LE TRÈS HONORABLE P.E. TRUDEAU: C'est ce que nous

supposons. Ce serait une erreur je pense de parler d'une loi fédérale dans une résolution de cette Conférence. Il pourrait en résulter que certains projets de loi provinciaux pourraient être évoqués ici à leur tour. J'ai l'impression qu'il serait bon de nous appliquer à nous-mêmes le principe de l'ONU, c'est-à-dire le principe de la non-ingérence dans les affaires des autres États, tout au moins dans la mesure du possible. Il reste que nous sommes officiels-ment d'accord entre nous en ce qui concerne la façon dont nous allons procéder pour le projet de loi sur les langues officielles. Autrement dit, le ministre de la Justice du Canada sera en contact avec tous les ministres de la Justice ou procureurs-généraux des provinces qui auraient quelques avis à exprimer sur le caractère constitutionnel ou légal de ce texte.

L'HONORABLE J.-J. BERTRAND: Ainsi que sur les diverses modalités du projet de loi, ainsi que nous l'avons mentionné, notamment en ce qui concerne les districts bilingues. C'est de cela dont nous parlions hier. Nous avons, je pense, discuté de cette question.

Si je comprends bien, donc, ce problème-ci ne serait pas déferé au Comité.

LE TRÈS HONORABLE P.E. TRUDEAU: Non.

L'HONORABLE J.-J. BERTRAND: Non.

LE TRÈS HONORABLE P.E. TRUDEAU: Si le projet de loi était adopté, - et nous espérons qu'il le sera, Monsieur Turner, - nous avons évidemment dit que nous consulterions les provinces avant de créer des districts bilingues. Ce point là serait naturellement discuté avec votre gouvernement, Monsieur le premier ministre Bertrand ainsi qu'avec tous les autres gouvernements ou toutes les provinces où seraient établis des districts bilingues.

affirme qu'il y a lieu de poursuivre l'examen de ces questions linguistiques. En particulier, les premier ministres sont convenus que:

- a) les propositions de la Commission royale sur le bilinguisme et le biculturalisme, avec les rapports sur les questions linguistiques présentées par le Comité permanent des fonctionnaires et son sous-comité des langues officielles, soit déferé à un comité des ministres qui envisagerait la question sous ses aspects constitutionnels et qui envisagerait en même temps la question de l'application des politiques en matière linguistique, y compris notamment la nature d'une éventuelle aide fédérale à cet égard.

- b) les rapport de la Commission royale, ainsi que certains autres aspects de la question des langues officielles, pourront être examinés d'avantage par le Comité permanent des fonctionnaires et son sous-comité des langues officielles, dans la mesure où cela pourra apparaître nécessaire pour aider le comité des ministres dans sa tâche".

On notera que nous parlons ici d'un comité de ministres plutôt que d'un comité de procureurs-généraux mais il peut s'agir des ministres que l'on voudra bien nommer. Nous avions pensé que c'est à un comité de procureurs-généraux qu'il y aurait eu lieu de confier ce travail de façon à assurer que l'on progresse dans la voie juridique et constitutionnelle, mais certaines provinces ont donné à entendre qu'elles aimeraient pouvoir librement désigner d'autres ministres. Nous n'y verrions certainement aucun inconvénient, sous réserve que nous n'entendons pas parler ici de la Loi sur les langues officielles. La question de notre loi sera examinée d'une façon particulière par le procureur-général du Canada et les procureurs-généraux des provinces.

L'HONORABLE J. N. TURNER: C'est ce qu'on a proposé.

ou équipes spécialisées qui
pourront apparaître indispen-
sables à l'exécution de ses
fonctions;

5. Le Secréariat de la Conférence
sera aussi au service de tous les
comités ministériels ou comités
de fonctionnaires".

Y a-t-il des observations en ce qui concerne la
résolution visant les techniques de réforme constitutionnelle?

Je répète qu'il s'agit ici de coordonner les travaux
tout entiers. Il s'agit de bien s'assurer que l'autorité
suprême continue à rester au Comité des premiers ministres.
Il faut s'assurer aussi qu'ils se réunissent plus souvent;
que l'activité des comités de ministres ou des comités de
fonctionnaires, - ainsi que celle de leurs sous-comités, -
soit reliée en quelque sorte organiquement à cette Confé-
rence permanente.

L'HONORABLE W. WEIR: Cela tient bien compte des
objections que j'avais exprimées, Monsieur le premier
ministre.

(FRANCAIS)

LE TRÈS HONORABLE P.E. TRUDEAU: Tout le monde est
d'accord? Monsieur Robichaud également?

(TRANSLATION)

L'HONORABLE L.J. ROBICHAUD: Entendu.

LE TRÈS HONORABLE P.E. TRUDEAU: Nous pouvons donc
passer à l'article 4 a) de l'Ordre du jour, Langues offi-
cielles.

Nous nous étions mis à peu près d'accord là-dessus
je pense, mais nous n'avions pas de texte sous les yeux.
Lisons le donc, pour voir s'il a besoin d'être modifié.

"La Conférence reconnaît que d'importantes
mesures ont été prises par les gouvernements
depuis un an afin que la langue française
puisse désormais jouer un rôle plus consi-
dérable dans le Canada tout entier; elle

toutes les questions posées par nos fonctionnaires dans leur livre jaune. On tient compte ici des décisions que nous avons prises ces derniers jours de créer des comités de ministres compétents en certaines matières. Enfin, il y est prévu une liaison plus étroite entre le Comité permanent et les divers premiers ministres. C'est sur ce point, je pense, que vous avez tellement insisté, Monsieur le premier ministre Weir.

Je pense donc que nous tenons compte de tous les aspects. Je vais donner lecture de ce texte pour voir si nous sommes d'accord.

"a) La Conférence fait état de son désir de voir procéder la révision d'une façon plus rapide, eut égard au fait que les infrastructures sont déjà en place et les travaux préparatoires déjà terminés. A cet égard les premiers ministres cherchent à se réunir plus souvent en Conférence constitutionnelle. En outre, ils se réuniront en séances de travail, sans caractère officiel, avec le Comité permanent des fonctionnaires, de façon à assurer une orientation plus continue en ce qui concerne le processus de révision constitutionnelle.

b) De façon à assurer une coordination efficace des travaux de révision constitutionnelle, la Conférence est convenue de :

1. Tous les comités spéciaux de ministres constitués par la Conférence constitutionnelle feront rapport à celle-ci;

2. Le Comité permanent des fonctionnaires doit assister les autres comités de ministres, au besoin;

3. Tous les comités spéciaux de fonctionnaires doivent être constitués en tant que sous-comités du Comité permanent des fonctionnaires;

4. Le Comité permanent des fonctionnaires est habilité à créer tels sous-comités, groupes de travail

Je me demande si toutes les délégations ont sous les yeux cette série de projets de résolutions préparée par nos fonctionnaires? Un certain nombre d'entre elles ont déjà été examinées dans le détail alors que, dans d'autres cas, nous n'avons parlé que du principe.

Je pense que nous pourrions peut-être les relire dans l'ordre. Si nous pouvons les améliorer en les modifiant, tant mieux, mais s'il y a débat sur ces questions, nous renverrons le tout aux fonctionnaires ou aux Comités de ministres.

Commençons donc par l'article 2 a), Objectifs généraux de la Conférence constitutionnelle.

"La Conférence constitutionnelle permanente réaffirme l'intention qu'elle a de mener à terme une révision globale de la constitution du Canada, de façon à mesurer à quel point elle satisfait à nos exigences actuelles et futures et de façon aussi à déterminer la mesure dans laquelle les modifications à la constitution paraissent désirables, soit par une modification de l'actuelle constitution, soit par la promulgation d'une constitution entièrement nouvelle".

Sommes-nous à peu près d'accord là-dessus? Nous répétons, je crois, à peu près ce que nous avons décidé d'an dernier. Nous ne préjugeons pas de la question. Nous ne disons pas s'il nous faut une nouvelle constitution ou si nous pouvons nous contenter de modifier la constitution actuelle.

(FRANCAIS)

Mais l'important, c'est que nous soyons comme à une étude de tous les sujets, tous les aspects de la Confédération et de sa constitution.

(TRANSLATION)

Sommes-nous d'accord là-dessus? Entendu.

L'article 2 c) traite vraiment des techniques de la révision constitutionnelle. Plutôt que d'avoir un débat en ce moment, peut-être pourrions-nous contenter de relire les résolutions. Elles sont rédigées de façon à viser tous les points où il nous faut donner des directives,

d'un tribunal constitutionnel distinct. Nous ne saurions nous contenter d'une demi-solution. En tout cas nous devons examiner la question beaucoup plus que nous ne l'avons fait jusqu'ici. Il reste aussi d'autres questions. Par exemple, celle du droit d'appel, celle des matières à évoquer devant les tribunaux, les questions constitutionnelles seulement ou les questions des droits de l'homme. Nous pourrions encore nous demander si nous pouvons diminuer le travail des tribunaux en recourant à une formule de pourvoi direct, par exemple. Il faut que nous réfléchissions à tout cela en examinant la question. Néanmoins, dans ses grandes lignes, la proposition nous semble acceptable.

LE TRÈS HONORABLE P. E. TRUDEAU: Nous pourrions donc tirer de tout cela quelques conclusions générales en vue de la poursuite du travail selon les idées que vient d'exprimer M. Wishart. Par exemple, on pourrait avoir:

a) la constitution devrait prévoir l'indépendance de la magistrature.

Je ne doute pas que nous soyons tous d'accord là-dessus.

b) qu'un Comité de ministres doit, tenant compte des opinions et des vues des divers gouvernements, arrêter de nouvelles propositions en ce qui concerne la Cour suprême et l'appareil judiciaire.

Il s'agirait sans doute de savoir quel ministre nous allons désigner à cet égard. Certains ministres commenceront à être un peu écrasés de travail, mais nous trouverons bien moyen d'en sortir.

(FRANÇAIS)

Est-ce qu'il y a accord sur cette résolution? Accepté? Accepté!

(TRANSLATION)

Nous revenons donc à l'article 2 c), la procédure de la révision constitutionnelle. C'est un article très général qui nous permettra de terminer l'examen des divers articles qui jusqu'ici n'ont fait l'objet d'aucun accord.

pension alimentaire. Nous avons là des occasions de conflits et c'est pourquoi nous allons demander de rapatrier également le mariage, le divorce, la création de tribunaux familiaux pour s'occuper exclusivement de ces problèmes.

Voilà, monsieur le président, les quelques remarques que j'avais à faire à ce stade-ci de la discussion.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci monsieur Bertrand.

(TRADUCTION)

Je pense qu'il est bien manifeste que nous n'aurons pas le temps de laisser parler tout le monde. Nous avons bien préparé un projet de texte qui ne nous engage pas trop. Toutefois, si un ou deux d'entre nous veulent faire quelques brèves remarques, nous pourrions dépasser notre limite de quatre heures trente. Désirez-vous parler?

L'HONORABLE D.V. HEALD: Oui; je serai très bref.

LE TRÈS HONORABLE P.E. TRUDEAU: Monsieur Heald, de la Saskatchewan.

L'HONORABLE D.V. HEALD: Nous acceptons les idées du ministre de la Justice, dans le sens où il nous les a présentées. Nous ne voyons vraiment pas pourquoi cette question serait renvoyée à un comité.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci beaucoup, Monsieur Heald. Est-ce qu'il y a d'autres remarques brèves et constructives comme celle-là?

L'HONORABLE L.R. PETERSON: Monsieur le premier ministre, la Colombie-Britannique appuie aussi le ministre de la Justice en ce qui concerne la Cour suprême du Canada.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci beaucoup.

L'HONORABLE A.E. WISHART: Monsieur le premier ministre, nous pouvons généralement souscrire aux principes et aux idées du ministre de la Justice. Néanmoins, je crois que cette question exige d'être examinée d'avantage à la lumière de la proposition de la province de Québec. Celle-ci a en effet proposé la constitution

autres tribunaux et à la nomination de leurs juges, tant pour l'administration des lois fédérales que pour celles des Etats. Toutefois, la législature centrale devrait conserver son pouvoir actuel d'établir des tribunaux fédéraux pour l'administration de ses propres lois.

Quant à l'indépendance des juges, monsieur le Président, je pense que nous entendons parfaitement. On pourra beaucoup critiquer, si l'on veut, dans certains milieux, l'administration de la justice au Canada ou dans nos provinces, mais je crois que nous pouvons dire qu'au Canada, grâce à l'indépendance de nos juges, nous avons peut-être l'un des meilleurs systèmes judiciaires au monde.

Je ne dois pas oublier, non plus, en référant aux propositions que vous trouverez dans notre document de travail, les travaux accomplis à l'heure actuelle par la Commission Prévoist, qui est chargée d'examiner les réformes à apporter dans l'administration en matière criminelle et pénale dans le domaine des tribunaux.

Deuxièmement, je dois rappeler que nous avons parlé d'établir au Québec des tribunaux familiaux.

Troisièmement, que nous avons parlé, à plusieurs reprises, de repartir totalement la juridiction en matière de mariage et de divorce. Nous l'avons fait, d'ailleurs, d'une certaine façon, à la suite de l'adoption par le gouvernement du Canada, d'une loi qui nous a permis de confier à la Cour Supérieure l'audition des causes en matière de divorce. Mais nous voudrions aller plus loin et faire en sorte que tout ce domaine du mariage et du divorce relève entièrement de l'autorité provinciale, en particulier de l'autorité du Québec. Nous aurions en vue, à ce moment-là, de créer des tribunaux familiaux. Nous avons, à l'heure actuelle, les cours du bien-être social. Ces cours seraient appelées à devenir de véritables tribunaux familiaux, s'occupant de tous les problèmes relatifs à la famille: mariage, enfants et les conséquences malheureuses qui parfois surviennent, des divorces et de toutes leurs conséquences. Par exemple, à l'heure actuelle, la loi fédérale du divorce s'occupe des pensions alimentaires et de la garde des enfants alors que nous avons, au Québec, notre Code civil, qui lui, dans le domaine de la séparation de corps, vient également, devant le même tribunal, la Cour Supérieure, statuer sur la garde des enfants et sur la

vantage les vues, les opinions et les idées du gouverne-
ment central?"

L'HONORABLE J.N. TURNER: Il y a une réponse à

cela.

L'HONORABLE J.J. BERTRAND: Donc, si nous voulons, de part et d'autre, nous comprendre, il s'agit d'avoir dans un régime fédéral un tribunal, une cour constitu-
tionnelle chargée d'interpréter la constitution.

Et c'est pourquoi nous tenons tellement - et j'y reviens en passant - à une constitution où les sphères d'action, d'activités, les pouvoirs, les responsabilités sont bien délimités. Et c'est pourquoi nous avons mis l'accent, depuis le début de cette Conférence, à plusieurs reprises, sur l'essence même du fédéralisme qui est la répartition des pouvoirs entre les deux ordres de gouvernement.

Or, c'est la constitution qui est la loi fondamen-
tale et le tribunal qui doit être chargé d'interpréter cette loi fondamentale, doit être, d'après nous, nous le soumettons humblement, la cour constitutionnelle. Je ne vais pas plus loin dans mes commentaires puisque, sans aucun doute, nous aurons l'occasion, dans un comité de ministres représentant les divers gouvernements, d'ajouter à ces propos.

Deuxièmement, dans le domaine du système judiciaire, il pourrait également y avoir une cour d'appel fédérale. Le parlement central, pourrait être autorisé à établir une cour d'appel fédérale ayant juridiction finale sur l'interprétation des lois touchant les matières de compétence fédérale et les États qui le désiraient, pourraient conférer à cette cour une juridiction finale sur l'interprétation de leurs propres lois. Je tiens compte, à ce moment-ci et on le note dans la constitution canadienne actuelle, du Code civil québécois. Il y a même un article, dans l'Acte de l'Amérique du Nord Britannique, où l'on parle de l'uniformisation des lois à travers le pays, dans toutes les provinces à l'exception du Québec à cause de son Code civil et de ses lois qui lui sont particulières.

Troisièmement, quant aux autres tribunaux. D'une manière générale, ce sont les États fédérés, les provinces, qui devraient pourvoir à l'établissement des

sions dépendraient de l'intérêt majoritaire de ces agents. Une telle procédure d'arbitrage dépasserait les véritables problèmes vers l'arène politique où se poserait la question de l'influence en raison de la nomination qui, en définitive, serait un facteur déterminant lors de la considération des questions constitutionnelles.

Dans un tel système, le principe de l'égalité, comme nous le connaissons, sera renversé au profit de l'opportunisme et le compromis. C'est ça, monsieur le président, notre position? Et je réalise que ce n'est pas en accord avec la proposition avancée par la province de Québec ou dans certaines perspectives, dans d'autres provinces.

L'HONORABLE J.J. BERTRAND: Monsieur le président, si vous me permettez?

LE TRÈS HONORABLE P.E. TRUDEAU: Monsieur Bertrand?

L'HONORABLE J.J. BERTRAND: Ce serait certainement trop long de reprendre ici tout, toutes et chacune des propositions élaborées par le Comité des fonctionnaires au sein de la Conférence constitutionnelle canadienne. Le document de travail du Québec, comme on l'a décrit, ne représente pas nécessairement les vues arrêtées du Gouvernement du Québec, pas plus, d'ailleurs, suivant ce que j'en ai compris, que même les propos que vient de tenir mon collègue, le ministre de la Justice du Canada représente les vues définitivement arrêtées du Gouvernement du Canada. Ce sont des propositions. Or, il a noté, avec raison, que ses propositions et les nôtres diffèrent. Par exemple, au sujet du système judiciaire, nous avons proposé une cour constitutionnelle. Il y aurait lieu, avons-nous dit, que la constitution prévoie l'établissement d'une cour constitutionnelle dont elle fixerait la composition et la juridiction et qu'au moins les deux tiers, des juges de cette cour devraient y être nommés par les gouvernements des Etats.

Je viens d'entendre le ministre de la Justice dire: "Mais s'ils sont nommés par le gouvernement des Etats, est-ce qu'ils ne seront pas portés à représenter, au sein de cette cour, les intérêts des Etats?" Mais je pourrais lui répondre: "S'ils sont nommés par le gouvernement central comme ils le sont à l'heure actuelle, on devrait donc conclure de ses propos qu'à ce moment-là, dans un litige quelconque, qu'ils représentent da-

(FRANCAIS)

L'HONORABLE J.N. TURNER: Je voudrais tout d'abord, monsieur le premier ministre, m'adresser tout brièvement, parce que j'admets que peut-être le premier ministre du Québec cherche à me répondre, mais à ce stade de cette discussion, il y aura lieu de faire quelques remarques, en français d'ailleurs, sur deux points fondamentaux. Savoir, premièrement, la structure du tribunal de dernière instance dans notre fédération et deuxièmement, le mode de nomination des juges à ce tribunal.

En premier lieu, je tiens à dire que je suis en faveur d'une Cour possédant pleine juridiction, c'est-à-dire une juridiction qui ne soit pas restreinte aux matières constitutionnelles, ni divisée en sections cloisonnées.

Ceux d'entre nous qui, comme moi, ont été en pratique privée, seront particulièrement sensibles à la corrélation des problèmes de droit dans un litige. Les causes sont en effet très rares où un seul point de droit est soulevé; plus souvent des questions ayant trait aux lois fédérales, aux lois provinciales et aux droits constitutionnels sont entremêlées. Toute tentative d'absorber l'une ou l'autre de ces questions, tendrait à fausser le contexte de la cause et les questions seraient alors réglées selon l'éclairage quelque peu artificiel et sans rapport direct à l'ensemble des éléments de droit et de faits impliqués dans la cause.

Quant à la question, monsieur le président, de la nomination des juges, le tribunal de dernière instance de la Fédération doit demeurer un organisme judiciaire, ce qui implique la reconnaissance du principe de l'égalité dans le processus d'élaboration des jugements.

Quoi qu'on ne puisse nier que la formation personnelle et l'expérience d'un juge vont influencer sa philosophie de droit, nous avons, au Canada, une tradition d'indépendance, d'indépendance judiciaire qui assure mieux que n'importe quel texte que les procès seront entendus et jugés de façon impartiale.

On a proposé que certains juges soient nommés par les provinces. Je craindrais que ceci transforme la cour, la cour suprême, en un organisme d'agents ou mandataires ou représentants, un organisme où les déci-

était reconstitué selon les principes indiqués dans la résolution fédérale, peut-être pourrait-on lui demander de confirmer la nomination des juges. Ce serait une façon de donner aux provinces le droit de se faire entendre à cet égard, le gouvernement fédéral, d'autre part, conservant ses attributions en tant qu'instance participant à l'intérieur de la Cour même, des cloisons étanches. La juridiction du tribunal doit être intégrale et entière. Il ne faudrait pas y voir un organe spécialisé, compétent en matières constitutionnelles seulement. Dans notre système, une action en justice met en cause deux justiciables qui s'opposent l'un à l'autre. Une action de ce genre peut mettre en cause des matières de droit civil, des lois fédérales ou des questions d'ordre constitutionnel, le tout étant confondu dans les faits et mettant donc en cause le droit tout entier.

Ainsi donc, puisqu'il est impossible de traiter isolément la plupart des matières juridiques, nous ne saurions constituer la Cour suprême en diverses chambres: nous ne pouvons pas avoir une chambre constitutionnelle, une chambre de droit civil, une chambre de droit coutumier. Nous nous trouverions ainsi à priver ce tribunal du droit qu'il a de connaître de la loi tout entière, dans les formes auxquelles nous sommes habitués.

Néanmoins, nous entendons prévoir dans la constitution la nomination d'un certain nombre de juges civilistes comme c'est actuellement le cas. Nous entendons même aller plus loin et prévoir la désignation de civilistes de circonstance, chaque fois que nous jugerons qu'il faut que certaines causes de droit civil soient entendues par un nombre suffisant de juges.

Nous pensons que ces propositions se fondent sur une étude très complète, comme sur l'expérience acquise de l'histoire et du fonctionnement des institutions judiciaires au Canada. Nous nous ferons un plaisir d'examiner d'autres solutions mais nous pensons qu'il ne faudrait, en tout état de cause, jamais renoncer aux deux grands principes dont j'ai parlé: l'indépendance de la magistrature et la résolution des différends par voie judiciaire.

différend invoqué devant un tribunal doit être réglé par des magistrats à la froide lumière de la loi et non point à la lumière des intérêts particuliers qu'ils peuvent représenter.

Sans doute les hommes, - et, j'espère aussi, les femmes - que nous nommons à nos divers tribunaux diffèrent-ils les uns des autres selon leur lieu d'origine, leur éducation, etc. Ils peuvent incliner davantage vers un point de vue ou un autre. Mais une fois qu'ils ont été nommés au tribunal nous n'avons jamais douté qu'ils interprètent la loi avec la plus parfaite objectivité.

Nous avons songé sérieusement, longuement à diverses solutions de rechange. Nous en avons conclu qu'aucune formule de nomination des juges de la Cour suprême par les provinces ne saurait garantir que les divergences puissent être tranchées d'une façon parfaite-ment judiciaire. Nous estimons que si certains juges de la Cour suprême étaient désignés par les provinces ou par une province, d'autres étant nommés par le gouvernement fédéral, on aurait tendance à attacher à ce corps de magistrats une espèce de caractère de représentation. Ces juges seraient tentés de croire que leur mandat les oblige à juger dans un certain sens plutôt que dans un autre. Nous pensons que cela les empêcheraient peut-être de considérer la loi d'une façon parfaitement détachée.

Il est clair que si les juges sont nommés par les diverses instances, de façon à donner à celles-ci l'occasion d'être mieux représentées, et que les décisions éventuellement rendues paraissent contraires aux intérêts de l'instance en cause on serait tenté de continuer à augmenter le nombre de représentants des diverses juridictions intéressées jusqu'à ce que le tribunal soit constitué en parties égales par des représentants de chacune d'entre elles. Ce ne serait plus un véritable tribunal, ce serait une espèce de commission d'arbitrage.

Nous avons proposé aussi que le tribunal soit constitué par une disposition constitutionnelle précise. La Cour suprême du Canada, sous sa forme actuelle, est constituée aux termes d'une loi fédérale. Nous reconnaissons qu'il y a lieu maintenant d'en faire mention dans la constitution. La constitution doit investir la Cour suprême d'une nouvelle dignité tout en indiquant, dans ses grandes lignes, ce que sera sa compétence ainsi que les formules ou méthodes de nomination. Si le Sénat

Sans doute le Comité permanent des fonctionnaires a-t-il fait tout le travail qu'on pouvait attendre de lui pour préciser les divers points de vue. Or, il existe une unanimité assez générale. Mais ce n'est qu'au niveau des ministres que pourront se prendre les décisions politiques d'où sortiront d'autres propositions précises dont nous pourrions éventuellement saisir la prochaine conférence des premiers ministres.

Sommes-nous d'accord? Merci beaucoup.

(FRANCAIS)

LE TRÈS HONORABLE P.E. TRUDEAU: Maintenant, nous

en sommes à vingt minutes près du dernier item, et nous pourrions peut-être aborder le sujet des instruments de justice.

Je demanderais au ministre de la Justice du Canada d'ouvrir le débat.

(TRANSLATION)

L'HONORABLE J.N. TURNER: M le premier ministre, messieurs. Je crois devoir préciser le point de vue

fédéral aussi rapidement et clairement que je le puis. Il est évident pour qui lit les divers documents de travail que le gouvernement fédéral éprouve ici un point de vue qui est diamétralement opposé à celui que défendent certaines provinces, notamment la province de Québec. Nous estimons que la cour de dernière instance dans une fédération a des attributions qui dépassent les compétences d'un tribunal normal dans un Etat unitaire. En effet, dans une fédération, la cour suprême devient l'interprète des attributions des diverses juridictions en cause et des populations qui s'y trouvent. Au Canada, elle est appelée à interpréter les attributions des gouvernements fédéral et provinciaux.

Pour nous, la cour suprême du Canada doit être composée de juges aussi parfaitement libres que possible, échappant dans toute la mesure du possible aux influences extérieures. Nous pensons en outre que les magistrats à tous les niveaux doivent rester indépendants de l'exécutif, indépendants même des éléments constitutifs de la fédération.

Ce principe d'indépendance est la pierre d'angle de la magistrature. Il en découle le principe que tout

"La Conférence des premiers ministres, reconnaissant que la réforme du Sénat doit être considérée dans le cadre des autres questions relatives aux principes de base, aux structures et aux attributions du gouvernement du Canada, a convenu qu'il y aurait lieu de confier à un comité de ministres l'étude des dispositions constitutionnelles relatives à la réforme du Sénat en tenant compte, plus particulièrement, des considérations suivantes :

(FRANCAIS)

- (1) Le Sénat pourrait représenter, d'une façon plus directe et efficace que maintenant, les intérêts des provinces et des régions du Canada.

(TRADUCTION)

- (2) L'une des façons par lesquelles on pourrait y arriver consisterait à modifier d'une façon appropriée la méthode de nomination des sénateurs ou, encore, en modifiant le mandat de ceux-ci;

- (3) Il y aurait peut-être avantage à doter le Sénat de certaines attributions spéciales de façon à en faire un instrument plus efficace de fédéralisme, tout en aménageant le rôle qu'il est appelé à jouer en ce qui concerne la législation en général;

- (4) La répartition des sièges au Sénat doit tenir compte, d'une façon équitable, des réalités provinciales et régionales du Canada.

(FRANCAIS)

LE TRÈS HONORABLE P.E. TRUDEAU: Et dernièrement, cinquièmement: Le gouvernement du Canada devrait continuer d'être responsable, - dans le sens de "gouvernement responsable" - à la seule Chambre des communes.

(TRADUCTION)

Si nous sommes d'accord sur ces grands principes... Ce ne sont pas des choses très précises, ainsi que vous l'aurez constaté. Mais cela présente l'avantage que nous pouvons maintenant en saisir un comité de ministres.

pensons pouvoir y arriver en nous assurant que le Sénat, en tant que partie de l'appareil fédéral, exprime d'une façon plus précise les intérêts provinciaux ou régionaux. Mais encore une fois, ces réformes nous paraissent entrer dans le cadre d'une révision constitutionnelle globale. Je forme une fois de plus le vœu que c'est un point de vue dont on se souviendra.

Nous pourrions peut-être essayer de réaliser tous les progrès possibles sur cet article. Il serait pourtant inutile pour les provinces de me soumettre, dès demain matin, les noms des nouveaux sénateurs. On me soumet déjà assez de noms comme cela.

Encore une fois nous voudrions que les sénateurs actuellement en place continuent de jouir des droits qui sont les leurs et qu'ils ne disparaissent pas sans avoir été consultés. Nous voulons cependant, et avant tout, que la réforme du Sénat soit envisagée dans le cadre d'une révision constitutionnelle complète.

(FRANCAIS)

LE TRÈS HONORABLE P. E. TRUDEAU: Je pense qu'il n'est pas inutile que nous entendions sur ce point, et qu'il est très encourageant de voir que nous pouvons faire du progrès dans le domaine de plusieurs institutions fédérales: la capitale nationale en est une, et le Sénat en est une autre. Encore une fois, ce progrès doit faire partie intégrante de toute la constitution, et de la même manière que la délégation québécoise nous a rappelé ce matin: une charte des droits de l'homme devrait être considérée dans le contexte d'une réforme globale de la constitution; de la même façon, nous voulons rappeler à la Conférence que c'est dans cet esprit que nous proposons des réformes au Sénat.

Est-ce qu'on a un texte sur lequel il y a eu discussion?

(TRADUCTION)

Nous serions donc peut-être d'accord sur l'article 4 d). Permettez-moi d'en donner lecture:

Le gouvernement fédéral entend, en outre, limiter le mandat des sénateurs. Encore une fois, les provinces tombent d'accord en principe avec nous à ce sujet. Cependant, ici encore, diverses formules ont été proposées.

Le gouvernement fédéral, en ce qui concerne les attributions législatives, voudrait que le Sénat ne bénéficie désormais plus que d'un veto suspensif. Il voudrait que le Sénat conserve ses attributions actuelles à ceci près que son droit de veto, comme je viens de le dire, ne serait désormais plus qu'un veto suspensif. Les provinces sont généralement du même avis que nous à ce sujet.

Le gouvernement fédéral propose de donner de nouvelles attributions au Sénat en ce qui concerne la désignation à certains postes, les droits linguistiques et les droits fondamentaux. Les provinces ont donné à ce sujet une approbation de principe, sous réserve, bien entendu, du nombre de sénateurs qui pourraient éventuellement être désignées par les provinces.

Ajoutons que l'Ontario, le Nouveau-Brunswick et la Nouvelle-Ecosse ont également exprimé certaines inquiétudes en ce qui concerne le risque de limitation des droits du gouvernement fédéral. Nous ne sommes pas du tout incons-cients de ce danger, cela va de soit. En modifiant le Sénat nous allons chercher, bien entendu, à ne pas abandonner le régime du gouvernement parlementaire ou le Cabinet doit répondre de son administration à la Chambre élue.

Le gouvernement entend que le gouvernement ne soit responsable qu'à la Chambre des communes. Nous sommes généralement d'accord là-dessus.

Une province a demandé l'augmentation des attributions du Sénat dans le domaine des relations fédérales-provinciales. Ainsi donc nous sommes à peu près d'accord sur le principe d'une réforme du Sénat, grâce à quoi celui-ci rendrait mieux compte de la nature fédérale de notre pays. Nous nous réjouissons de voir que nous pouvons progresser dans cette voie.

Il serait peut-être bon cependant que le gouvernement fédéral rappelle aux provinces et à la population que les idées qu'il a sur une réforme du Sénat ont été envisagées par nous dans le cadre d'une réforme générale de la constitution. Nous n'entendons pas affaiblir les institutions fédérales, au contraire nous voulons les renforcer. Nous

Ne pourrions-nous pas nous contenter de dire que la Conférence a convenu, sous réserve d'études et d'examen ultérieurs, que... etc.

Parfait. Cela nous permettra d'y revenir. Très bien.

Peut-être pourrions-nous maintenant aborder, tout au moins d'une façon préliminaire, la question du Sénat. J'ai ici un texte où sont résumés nos points de vue. Si je le résume pour vous, cela m'évitera peut-être de prononcer un discours, ou cela évitera ce soin au sénateur Martin, voire à la plupart d'entre nous. Ici encore nos fonctionnaires nous ont soumis un projet de résolution qui nous permettra peut-être d'avancer.

Commençons par l'idée exprimée par le gouvernement fédéral. Celui-ci désire conserver le Sénat. Or, nous constatons que dans leurs mémoires toutes les provinces se sont dites favorables à la conservation du Sénat, sous réserve que celui-ci soit modifié.

Pour le gouvernement fédéral, le Sénat doit représenter les intérêts provinciaux et régionaux. Toutes les provinces sont d'accord là-dessus.

Le gouvernement fédéral voudrait aussi s'assurer que, désormais, la désignation des sénateurs se fasse à la fois par l'administration fédérale et par les gouvernements provinciaux. Il n'y a pas d'objections de principe, à cet égard, de la part de neuf des dix provinces, sous réserve, bien entendu, d'une formule quelconque sur laquelle nous nous mettrions d'accord en ce qui concerne la proportion des nominations par les deux instances. Quant à la province de Québec, elle voudrait que tous les sénateurs soient nommés par les provinces.

Pour ne pas avoir à discuter là-dessus, prenons simplement acte des différences. Il n'en sera pas question dans nos conclusions. Pour le gouvernement fédéral la question de la répartition des sièges au Sénat devra être réexaminée. Toutes les provinces sont d'accord là-dessus.

Certains ont indiqué des façons selon elles, par lesquelles on pourrait donner à certaines régions ou à la population elle-même une représentation plus importante. Mais le principe de la remise en cause de la répartition des sièges au Sénat a fait l'objet d'un consentement unanime.

Québec de l'échange de correspondance que nous avons eue avec vous et avec le Premier ministre de l'Ontario au sujet de cet organisme tripartite dont on parle en vue de faire des villes d'Ottawa et de Hull, et leurs environs, le cœur de la région de la capitale canadienne. A l'heure actuelle, nous avons formé un comité ministériel qui est présidé par le ministre des Affaires municipales, et qui est en communication avec les représentants du gouvernement fédéral, comme avec ceux de l'Ontario, en vue, et dans les limites qui sont prévues dans cette proposition ou cette résolution qui est soumise à l'attention de la Conférence des premiers ministres, - en vue d'atteindre le but que nous recherchons: d'organiser les villes d'Ottawa et de Hull comme région de la capitale canadienne.

Il s'agit, pour le moment, non seulement d'une question de principe, mais il s'agit également, pour les trois gouvernements de trouver une formule en vue de passer à l'action pour répondre aux demandes des groupements économiques de la région que l'on appelle "l'Outaouais québécois", la ville de Hull, et les autres villes qui sont appelées peut-être à devenir les environs de la capitale du Canada, du côté québécois.

Alors, ce sont des problèmes, j'en conviens, qui sont peut-être nouveaux pour le Premier ministre du Manitoba, mais qui, quant à moi, ne sont pas nouveaux, parce qu'on en parle depuis déjà plusieurs mois.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Bertrand.

Parlant au nom du gouvernement fédéral, je voudrais remercier le gouvernement québécois et le gouvernement de l'Ontario de leur collaboration. Nous sommes évidemment désireux, le gouvernement fédéral, de procéder au plus vite au développement de la région de Hull afin de l'intégrer à la capitale nationale, afin d'aider son développement de la façon la plus rapide possible, et je crois que c'est très utile d'avoir l'assentiment de cette Conférence à notre entreprise collective.

(TRADUCTION)

Peut-être pourrions-nous mettre d'accord sur cet article, éventuellement modifié... nous pourrions peut-être discuter un nouveau texte...

L'HONORABLE J. MARCHAND: Je comprends cela.

L'HONORABLE J.P. ROBERTS: Ainsi donc, les populations en cause seront directement représentées. Comme vous le dites elles auront leur mot à dire dans ce qui va leur arriver. C'est tout ce que je voulais faire comprendre. Ce n'est qu'une question de mots.

L'HONORABLE J. MARCHAND: Nous pourrions revenir sur ce texte, sans doute.

LE TRÉS HONORABLE P.E. TRUDEAU: Mais nous n'avons pas encore répondu à l'objection de M. Weir.

L'HONORABLE W. WEIR: J'ai dit ce que j'avais à dire. On trouvera mes propos au compte rendu. Ce qui me préoccupe ici c'est que nous n'avons pas beaucoup le temps d'examiner la question. Je ne veux pas empêcher que cela soit adopté ni me montrer difficile. Mais je ne voudrais cependant pas que l'on puisse croire que nous avons accepté la chose simplement en n'en ayant entendu que la lecture. C'est que je n'ai pas idée de ce que cela comporte. Nous ne l'avons pas étudiée. J'ai dit ce que j'avais à dire. Il s'agit ici, en bref, des conclusions auxquelles en sont venues trois administrations. Malgré ce que je puis en dire de temps à autre, je leur fais volontiers confiance.

LE TRÉS HONORABLE P.E. TRUDEAU: Cela n'empêchera pas le travail de se faire. Peut-être pourrions-nous avoir recours à une espèce de formule diplomatique à l'effet que la Conférence constitutionnelle a pris note avec intérêt de la résolution ci-dessous qui lui a été soumise.

L'HONORABLE W. WEIR: Parfait. Je ne voudrais tout simplement pas que l'on puisse dire que j'ai étudié longuement quelque chose que j'ai à peine eu le temps de voir.

L'HONORABLE J.P. ROBERTS: La Conférence sera d'ailleurs saisie à nouveau de cette question à l'avenir. Il s'agit simplement d'une question à l'étude et sur laquelle nous n'en sommes pas encore venus à une décision ferme. D'autre part, nous avons fait ce que nous avons fait et nous tenions simplement à en faire rapport à la Conférence. Cela ne va pas plus loin.

(FRANCAIS)

L'HONORABLE J.-J. BERTRAND: Monsieur le président, si vous me permettez de parler au nom du gouvernement du

Je ne doute pas que les populations d'Ottawa, de Hull et des régions voisines n'accueillent avec satisfaction l'amélioration de la situation de la région de la capitale nationale, conformément aux termes de cette résolution. Mais je crois essentiel également, - et c'est, je pense, pourquoi on a saisi cet après-midi les premiers ministres provinciaux de ce texte, - que tous les Canadiens, de toutes les parties du Canada, quelle que soit la langue qu'ils parlent, se sentent chez-eux dans notre capitale nationale. En effet, cette région intéresse le pays tout entier.

Qu'il me soit aussi permis d'ajouter que la résolution suppose le consentement ultérieur des populations d'Ottawa, de Hull et des régions voisines, en ce qui concerne les changements de structure ou d'ordre administratif qui sont en germe dans la résolution.

Du consentement des populations de la région et de la consultation préalable naîtra la collaboration nécessaire grâce à laquelle nous pourrons, je pense, traduire en actes les intentions de la résolution.

LE TRÈS HONORABLE P.E. TRUDEAU: Est-ce qu'il y a d'autres observations?

L'HONORABLE J. MARCHAND: Tout ce que je veux dire, Monsieur le premier ministre, c'est que M. Robarts veut modifier la résolution pour parler d'Ottawa, de Hull et des localités voisines. Mais il s'agit ici de la capitale nationale tout entière, non seulement du cœur de la capitale.

L'HONORABLE J.P. ROBERTS: Et des localités voisines.

LE TRÈS HONORABLE P.E. TRUDEAU: Mais nous parlons des deux villes.

L'HONORABLE J. MARCHAND: Nous pourrions ajouter un autre alinéa ou il serait déclaré que les localités voisines font partie de la région de la capitale nationale. On ne saurait pourtant dire que le cœur de la région soit constitué par "Ottawa, Hull et toutes les localités voisines".

L'HONORABLE J.P. ROBERTS: C'est une question de mots. En ce qui concerne l'Ontario, disons que nous avons participé à ces discussions et, comme je le disais, nous venons de doter cette région d'une administration régionale.

L'HONORABLE J.P. ROBERTS: Une ou deux modifications n'ont pas trouvé place dans ce texte. Il s'agit des villes d'Ottawa et de Hull et des régions limitrophes. C'était inclus au numéro 1. C'est ce qu'on y a ajouté.

LE TRÈS HONORABLE P.E. TRUDEAU: "Et leurs régions limitrophes".

L'HONORABLE J.P. ROBERTS: Et, à 5 a) il s'agit de "régions limitrophes" et non des faubourgs. Après "Ottawa et Hull" il y aurait lieu d'inscrire "et les régions limitrophes". La raison en est, Messieurs, que nous venons de doter cette région d'une administration régionale. La province d'Ontario a, en effet, donné à Ottawa et aux diverses localités qui l'entourent dans le comté de Carleton une administration régionale qui peut effectivement parler au nom des habitants de cette région qui seront mise en cause par cette initiative.

L'HONORABLE W. WEIR: Monsieur le premier ministre, me permettrez-vous un mot?

LE TRÈS HONORABLE P.E. TRUDEAU: Monsieur le premier ministre Weir.

L'HONORABLE W. WEIR: Je ne vois aucun inconvénient à ce que les trois gouvernements fassent le travail qu'il faut et arrêtent les structures qui paraissent être nécessaires à cette région. Mais si on me demandait de donner mon accord, au nom du Manitoba, je voudrais avoir l'occasion d'examiner la question dans les mêmes conditions que les trois gouvernements en cause.

Il est difficile de me demander, dès cet après-midi, de donner mon adhésion au nom de la population du Manitoba. Sans doute cette question a-t-elle fait l'objet d'études et de réflexions sérieuses, mais je doute que je puisse comprendre tout cela d'un seul coup, tout de suite. Je ne vois aucun inconvénient à ce qu'on examine la question, mais je ne voudrais pas qu'on me demande mon adhésion. Ce serait quand même un peu difficile; je ne voudrais pas me trouver dans cette situation.

LE TRÈS HONORABLE P.E. TRUDEAU: Est-ce qu'il y a d'autres observations? Le ministre de la Justice.

L'HONORABLE J.N. TURNER: Trente secondes, si je le puis, Monsieur le premier ministre.

Il s'agit en l'espèce du comité tripartite groupant des fonctionnaires et ministres ontariens, québécois, et fédéraux...

4. Que le Comité d'étude sur la capitale canadienne...

4. Que, en conformité des objectifs ci-dessus, il importe de prendre des mesures afin que les deux langues officielles et les valeurs culturelles communes à tous les Canadiens soient reconnues par tous les gouvernements en cause dans ces deux villes et dans la région de la capitale nationale en général, afin que tous les Canadiens puissent éprouver, à l'endroit de leur capitale, des sentiments de fierté et de participation;

Que le Comité d'étude sur la capitale canadienne poursuive son travail en s'arrêtant plus particulièrement aux considérations suivantes:

a) à la définition des faubourgs qui constitueront à l'avenir, avec les villes d'Ottawa et de Hull, la région de la capitale nationale;

b) à l'examen des questions d'ordre administratif et financier en ce qui concerne ladite organisation tripartite.

Si nous pouvons nous mettre d'accord là-dessus assez rapidement nous pourrions poursuivre nos travaux. Si, cependant, les provinces ont l'impression qu'on leur demande leur accord sur quelque chose qu'elles n'ont pas étudié, nous pourrions les laisser examiner la question jusqu'à ce que nous en ayons terminé avec l'autre question inscrite à cet article.

Nous aurions quand même aimé pouvoir faire état, à la Conférence comme à la population du Canada, des progrès réalisés en ce domaine. La capitale nationale est en effet l'une des institutions absolument essentielles du fédéralisme. A-t-on quelque chose à dire là-dessus? C'est donc entendu.

3. Que les limites de la région de la capitale nationale seront fixées aux termes d'un accord intervenu entre les gouvernements intéressés;
2. Qu'aucun changement ne doit être apporté aux limites des provinces pas plus qu'aux attributions des gouvernements en cause;

A-t-on diffusé des copies? On pourrait le faire.

1. La Conférence constitutionnelle est convenue que les villes d'Ottawa et de Hull constituent le coeur de la région de la capitale nationale;

Qu'il me soit donc permis de donner lecture de la résolution pour voir si nous sommes à peu près d'accord la-dessus:

Cela ne prendra que quelques minutes. Il s'agit, je pense, de faire rapport à la Conférence d'un accord intervenu entre les trois parties et que nous voudrions maintenant vous soumettre. Nous nous rendons compte, en effet, que bien que le gouvernement fédéral peut parler au nom de tous les Canadiens la question de la capitale du Canada intéresse au plus haut point les provinces.

Il existe depuis un an un comité tripartite. Nous avons réalisé de grands progrès, au niveau des gouvernements provinciaux et du gouvernement fédéral. Il faudrait cependant, maintenant, que toutes les provinces canadiennes soient mises en cause d'une façon ou d'une autre, comme, d'ailleurs, devraient être mises en cause les populations des régions de Hull et d'Ottawa. Il serait peut-être bon de passer d'abord à cette question.

Peut-être pourrions-nous demander au ministre de la Justice, si nous en avons le temps, de dire un mot de la Cour Suprême. D'autre part, l'Ontario, le Québec et le gouvernement fédéral aimeraient que la Conférence donne son accord à certaines mesures que nous voudrions prendre en ce qui concerne la capitale du Canada.

Il serait peut-être bon de passer dès maintenant à 4 d), Réforme des institutions liées au fédéralisme. Nous pourrions traiter très rapidement, - si on me permet cette expression, - de la question du Sénat. En effet, les diverses provinces, dans les mémoires présentées par l'entre-mise du Comité des fonctionnaires, sont à peu près unanimes sur ces points.

L'HONORABLE G.I. SMITH: Comme je le disais je ne veux pas me montrer difficile. Je voudrais simplement que cette question conserve sa place dans l'ordre des priorités, au même titre que les autres. Aussi longtemps que cela est bien compris, peu nous importe comment les choses se feront. Il reste cependant que cette question de priorité a pour nous une importance fondamentale.

LE TRÈS HONORABLE P.E. TRUDEAU: Mettons cela entre parenthèses et si la chose est prévue ailleurs nous ferons disparaître les parenthèses. Dans le cas contraire, il n'y a aucun inconvénient à nous répéter. Il y a donc lieu de modifier (c) en ajoutant les mots "en vue d'informer le comité"...

L'HONORABLE G.I. SMITH: Un comité des ministres, à une étape ultérieure.

LE TRÈS HONORABLE P.E. TRUDEAU: Mais ce n'est pas assez tôt!

L'HONORABLE G.I. SMITH: Dans les délais les plus brefs. Aussitôt que possible.

LE TRÈS HONORABLE P.E. TRUDEAU: Soit. Nous sommes tous d'accord?

Si nous sommes tous d'accord, nous pouvons maintenant passer au reste de l'Ordre du jour. Je regarde la pendule. Il est à peu près quatre heures moins quart. Je pense que nous pourrions essayer d'organiser un petit peu notre travail pour garder assez de temps après la fin de la Conférence pour revenir à 2 (c), Procédure pour la révision constitutionnelle. L'examen de cet article nous permettra, je pense, de regrouper les diverses résolutions sur lesquelles nous nous serions mis d'accord en ce qui concerne les divers articles, certaines d'une façon définitive, d'autres d'une façon à peu près définitive.

Sommes-nous donc d'accord pour passer à l'article 2 (c) à, mettons, quatre heures et demie. Ce serait la conclusion. Nous aurions donc 45 minutes pour discuter de l'article 4 (d), Réforme des institutions liées au fédéralisme, 4 (f), Dispositif de modification, 4 (g), Mécanismes des relations fédérales-provinciales, et 5, Objectifs de la Confédération. Nous laisserons tomber les autres questions.

L'HONORABLE G.I. SMITH: Je m'en voudrais de me montrer difficile car jusqu'ici nous sommes très bien entendus. Pourtant, c) semble diminuer l'importance de la discussion en ce sens qu'on se trouve à la renvoyer au Comité permanent, - c'est-à-dire son aspect constitutionnel, - plutôt qu'à un comité des ministres. Je me demande si nous verrions beaucoup d'inconvénients à faire disparaître complètement c) pour adjoindre à b) la partie de c) où il est dit que l'on doit "s'arrêter tout particulièrement aux aspects constitutionnels des disparités régionales".

LE TRÈS HONORABLE P.E. TRUDEAU: J'ai l'impression que le principe que nous avons essayé de respecter voulait que dans tous les cas où le Comité des fonctionnaires avait travaillé pendant un an sur une question et en avait fait rapport à la Conférence, comme c'est le cas en ce qui concerne l'article 2 b), nous pourrions faire état du progrès accompli et passer à la prochaine étape, c'est-à-dire au comité des ministres. Par contre, là où aucun travail préparatoire n'a été fait par le Comité permanent nous avons dans tous les autres cas, proposé que ces travaux préparatoires lui soient effectivement confiés.

L'HONORABLE G.I. SMITH: Je le comprends. Nous pourrions alors modifier c) quelque peu en ajoutant à la fin "en vue d'informer le Comité des ministres qui sera constitué plus tard pour examiner cet aspect de la question". Je ne voudrais justement pas que l'on oublie la question, qu'on la mette sur une voie d'évitement. C'est ce à quoi je songe actuellement.

LE TRÈS HONORABLE P.E. TRUDEAU: Nous n'y voyons certainement aucun inconvénient. Je me demande pourtant si, lorsque nous en serons aux paragraphes f) et g), à l'étape prochaine de la Conférence, nous ne voudrions pas prendre certaines dispositions, que nos fonctionnaires ont d'ailleurs déjà discutées avec les vôtres. Nous songions à des rapports que pourrait présenter à la Conférence le Comité permanent des fonctionnaires tous les trimestres. Cela nous permettrait de voir où nous allons. Ce rapport pourrait être présenté soit à de grandes réunions comme celle-ci, soit à d'autres comités de la Conférence.

Nous tenons beaucoup, autant que vous, à recevoir ces rapports au plus tôt. Quant à savoir si nous voulons le faire de cette façon ou en vertu d'une disposition générale...

mettre d'accord sur un certain nombre de principes, plutôt que d'essayer de modifier aujourd'hui la constitution.

Je crois comprendre que les fonctionnaires de gouvernements fédéral et provinciaux ont travaillé à la rédaction d'un projet de texte en ce qui concerne l'article 4 (e) de l'Ordre du jour. Si vous avez ce texte sous les yeux nous essayerons de voir si nous pouvons nous mettre d'accord là-dessus. Le voici: "La Conférence convient que

a) Le développement intégral de toutes les parties du pays est un des buts essentiels de la Confédération;

b) Il y a intérêt à ce qu'un comité de ministres, compte tenu des opinions et propositions des divers gouvernements, envisage les dispositions d'ordre administratif, financier ou consultatif nécessaires à la mise en oeuvre de programmes et de politiques dont l'application apparaît immédiatement nécessaire à la diminution des disparités régionales;

c) Le Comité permanent des fonctionnaires doit s'arrêter tout particulièrement aux aspects constitutionnels des disparités régionales.

Nous nous trouvons de cette façon à préciser des objectifs. Nous dirions quelles sont les mesures immédiates que nous pouvons prendre, tout en n'oubliant pas les aspects constitutionnels de la question.

L'HONORABLE L.J. ROBICHAUD: Que veut-on dire à b), Monsieur le premier ministre? On parle là d'un "comité de ministres". S'agit-il des ministres fédéraux ou de quelques ministres provinciaux?

LE TRÈS HONORABLE P.E. TRUDEAU: Nous songions à des ministres fédéraux et provinciaux. Nous songions, en somme, à un comité de la Conférence auprès duquel nous déléguerions M. Marchand. Cependant, chaque province reste libre de désigner leur ministre des Affaires économiques ou celui qu'elles voudront.

Qu'il me soit permis de confirmer la déclaration de M. Bennett. Il a en effet été l'un des premiers à proposer les subventions aux provinces Atlantiques. Il se trouve que j'étais présent le jour où il en a parlé. C'était à l'époque d'une idée extrêmement utile. Je pense que tous ici nous devrions en convenir. Ce serait encore une bonne idée si on n'y avait pas renoncé peu à peu.

Le premier ministre Bennett a aussi parlé de la constitution d'un marché commun avec les Etats de la Nouvelle-Angleterre. Il ne faudrait pas écarter cette idée sans l'examiner. Nous connaissons les difficultés que cela peut comporter, tout au moins nous pensons les connaître. Nous savons aussi que c'était autrefois notre marché naturel. Nous voudrions que les possibilités en ce sens puissent être étudiées.

On a dit plus d'une fois, ici ou ailleurs, que les provinces Maritimes pourraient se regrouper pour n'en former qu'une seule. Je ne saurais affirmer si ce serait là une bonne chose, ni que cette idée soit justifiée dans les faits. Néanmoins, qu'il ne soit permis de répéter ce que j'ai déjà dit, que, dans les trois provinces Maritimes, nous prenons cette idée très au sérieux. Nous avons retenu les services d'un des économistes canadiens les plus distingués. Nous l'avons chargé d'examiner la possibilité d'une collaboration plus poussée entre les provinces Maritimes, voire les perspectives d'une union politique complète.

Cette étude se fait très sérieusement. En fait, nous avons reçu un rapport intermédiaire de ce Canadien fort distingué dimanche dernier, à la dernière réunion des premiers ministres des provinces Atlantiques. Je termine en disant que nous sommes reconnaissants au gouvernement fédéral de l'attitude dont il vient de faire preuve. Nous sommes reconnaissants aussi à tous ceux qui ont pris aujourd'hui la parole. Nous ne vous ménagerons pas notre collaboration.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci beaucoup.

Il serait très utile si nous pouvions nous mettre d'accord sur la façon de terminer l'examen de cette question. La discussion sur le problème des inégalités régionales a été excellente. On a proposé quelques amendements constitutifs en ce sens. Il en a été question notamment ce matin. Nous mêmes, dans notre brochure intitulée "La Constitution et le citoyen", nous avions déjà donné à entendre que la constitution devrait donner une égalité de chances à tous les Canadiens. Il vaudrait cependant mieux essayer de nous

LE TRÈS HONORABLE P.E. TRUDEAU: Oui, Monsieur le premier ministre Smith?

L'HONORABLE G.I. SMITH: Quelques mots seulement.

Je note avec satisfaction l'intérêt que porte le gouvernement fédéral à cette question. Je suis heureux de constater qu'il envisage des formules nouvelles.

En ce qui concerne la question de la collaboration je suis sûr, - et je parle sans aucune arrière pensée, - que vous nous trouverez aussi disposés à collaborer que possible. Je ne saurais vous promettre d'avance que nous serons toujours de votre avis, mais l'esprit de collaboration ne vous manquera pas en ce qui nous concerne.

Je conviens avec vous que le principe du centre de croissance peut susciter certaines difficultés. Nous acceptons en tout cas ce principe, nous de la Nouvelle-Ecosse, depuis un certain temps déjà. Il est clair que tout le monde dans la province n'est pas de notre avis, mais il en reste pas moins que cela constituera une formule d'accord entre nous. Sur ce principe je pense que nous pourrions travailler ensemble.

Je suis enchanté de vous avoir entendu parler de la consultation dans les termes que vous venez d'utiliser.

Vous étiez, je pense, sincère. En effet, avant que l'on mette au point des politiques, avant que l'on prenne des décisions définitives, il faudra trouver l'occasion d'échanger nos points de vue de façon à savoir exactement où nous allons. Ce sera une façon pour vous de voir si vous avez vraiment raison d'agir comme vous avez l'intention de le faire. Nous ne pensons pas que vous puissiez toujours être de notre avis. Ce serait vraiment trop demander. Néanmoins, nous ferons de notre mieux pour collaborer.

Un ou deux autres points seulement. Je voudrais remercier tous les premiers ministres aussi bien que le gouvernement fédéral de la façon dont ils ont traité ce problème ici et de la bonne volonté qu'ils manifestent en ce qui concerne la solution d'un problème qui présente pour certains d'entre nous, au Canada - et du reste pour le Canada tout entier - un caractère d'extrême urgence. Qu'il me soit permis de les remercier des sentiments dont ils ont fait preuve aujourd'hui et des sentiments dont ils ont d'ailleurs déjà fait preuve dans le passé à cet égard.

conserve ses grands centres de croissance. Il n'est pas dans nos intentions de les affaiblir, au contraire. Si nous pouvons les renforcer, nous devrions le faire.

Ce ne serait à l'avantage de personne d'affaiblir ces grandes villes que nous possédons déjà et qui peuvent soutenir la concurrence des grandes villes américaines.

(FRANCAIS)

Alors, voici, c'est en général ce que nous avons l'intention de faire: la loi dont je parlais tout à l'heure sera présentée, j'espère, dès la semaine prochaine, - la loi constituant le ministère; et ensuite, nous aurons sans doute, dès le printemps, une loi qui remplacera notre loi de stimulant industriel, parce que cette loi n'a pas joué exactement dans le sens que nous le désirions.

Il y a certaines industries qui ont vraiment bénéficié de la marche -

(TRANSLATION)

de ce qu'on appelle en anglais "windfalls", des industries qui n'auraient même pas vu le jour sans cette loi.

Ce n'est pas bien. J'ai l'impression que certaines industries ont profité de la loi pour prendre une extension trop considérable. Ce n'était pas ce que nous avions voulu. Il faut maintenant corriger ce qu'il faut corriger. Pour cela nous comptons sur votre concours. Nous allons collaborer avec vous et discuter ces questions avec vous, non seulement pour le plaisir de discuter ni même pour le principe, mais de façon à obtenir vos idées. J'espère que s'il nous arrive de ne pas partager vos points de vue sur certaines questions vous n'iurez pas en conclure à l'inutilité du dialogue ou à notre refus de collaboration. Nous allons y aller sérieusement. Nous sommes, en effet, persuadés que nous ne saurions corriger ces choses sans la collaboration de toutes les administrations intéressées: gouvernements provinciaux, municipalités, organisations bénévoles, la

population elle-même!

J'ignore si ce nouveau ministère représentera un progrès considérable par rapport à ce qui s'est fait jusqu'ici. Essayons tout de même. Dans quelques années je suis sûr que vous pourrez nous dire exactement si nous avons réussi ou pas.

L'HONORABLE W.A.C. BENNETT: Le nord de la Colombie Britannique.

L'HONORABLE JEAN MARCHAND: Sans doute. C'est à cela que nous songeons.

(FRANCAIS)

... mais, comme je le disais, nous avons besoin de la coopération de toutes les provinces, et là, je n'en suis pas simplement au niveau d'une coopération verbale, mais d'une coopération réelle; quand je parle des provinces, je parle des municipalités, je parle également des organisations volontaires. Je ne crois pas qu'il puisse se faire de développement régional cohérent au Canada si tous ces organismes-là ne coopèrent pas ensemble. Parce qu'autrement, nous disons que les actions d'un gouvernement annulent les actions de l'autre, et qu'en définitive, nous ne soyons pas plus avancés.

Alors, nous avons l'intention de consulter les provinces, non seulement sur chacun des programmes que nous essaierons de mettre en application, mais nous avons même l'intention de les consulter sur les principes généraux qui guideront le sens des projets de loi à être soumis à la Chambre des communes, de manière à ce que nous soyons bien d'accord sur les objectifs que nous poursuivons.

Maintenant, il y a un point, monsieur le président, si vous me permettez: c'est que je crois que la population canadienne ne doit pas s'attendre et ne doit pas désirer que nous fassions du développement dans les régions dont le taux de croissance est plus bas, à même les centres naturels, - les grands centres naturels de croissance, c'est-à-dire -

(TRANSCRIPTION)

Je crois, Monsieur le président, que le Canada a besoin de grandes villes comme Montréal, Toronto et bon nombre d'autres. Nous ne pouvons pas habiter l'Amérique du nord sans ces grandes collectivités ou se déployer une activité d'un certain type qui ne saurait trouver place ailleurs que dans des villes de cette importance.

Nous nous intéressons donc de façon essentielle à ces villes-là. Il ne faudrait pas dire, par exemple, que Montréal a déjà trop, ou Toronto a déjà trop, Vancouver a déjà trop, Calgary a déjà trop. Il faudra que le Canada

industrie, si tous les petits havres veulent des aménagements portuaires, ce sera impossible. C'est beaucoup trop cher. Et parce que c'est trop cher il va falloir que nous sachions résister à certaines pressions politiques.

Selon nous, il vaudrait mieux mettre au point un certain nombre de centres dans chaque province de façon que la population puisse s'y installer et y vivre convenablement. Je le répète, jusqu'ici, depuis que j'ai ce portefeuille-ci, je me suis rendu compte que toutes les petites villes, tous les petits villages du Canada veulent avoir une industrie. En outre, ils veulent que l'Etat y dépense de l'argent, au titre de la construction, des services, etc. Je ne pense pas que cela puisse donner des résultats appréciables. Nous allons donc avoir à changer notre façon de penser.

Je ne saurais vous dire maintenant exactement à quoi nous songeons. C'est la Chambre qui a le droit de savoir d'abord les intentions du ministère. En effet, à l'exclusion du premier ministre et des ministres des provinces, il existe une institution qui s'appelle la Chambre des communes dont il faut, je pense, respecter les prérogatives. C'est pourquoi j'entends d'abord y présenter le projet de loi créant le ministère. J'espère que cela pourra se faire au début de la semaine prochaine. Après quoi nous aurons une ou plusieurs lois nouvelles, destinées à lutter contre les inégalités au Canada.

L'HONORABLE W.A.C. BENNETT: Dans toutes les provinces?

L'HONORABLE JEAN MARCHAND: Dans toutes les provinces. Je ne pense pourtant que nous puissions traiter toutes les provinces ou toutes les régions de la même façon. J'ai l'impression qu'il existe un problème très grave au Canada. Il est certain, en tout cas, qu'à l'est d'une ligne qui commence, mettons, à cinq ou dix milles de Trois-Rivières, toute la région jusqu'à Saint-Jean de Terre-Neuve a besoin de développement.

L'HONORABLE W.A.C. BENNETT: Tiendra-t-on compte des mouvements démographiques?

L'HONORABLE JEAN MARCHAND: Oui. Nous en tiendrons compte. Il existe également, je crois, d'autres régions. Il y a le nord-ouest du Québec. Il y a le nord de l'Ontario, le nord du Manitoba, le nord de la Saskatchewan et quelques très rares endroits en Colombie-Britannique.

Depuis 1962 nous avons consacré environ un milliard de dollars au développement régional. La moitié de cette somme a été dépensée dans les provinces Maritimes. Pourtant, cela n'a pas suffi, car il y subsiste des inégalités et des disparités.

Il faut donc que nous y mettions bon ordre. Cela veut dire en somme que nos plans et nos programmes ne suffisent pas. Nous avons donc l'intention d'en changer. A nos nouveaux programmes correspondra une nouvelle façon de penser.

M. Bennett a raison de dire qu'il faut tenir compte des forces économiques naturelles. Il a raison, en effet, parce que dans le cadre du programme des régions dites désignées, voire dans le cadre du programme ARDA nous dépendons souvent de l'argent inutilement. Il arrive que nous répartissions nos subventions d'une façon trop dispersée sur un territoire trop étendu.

Il aurait mieux valu pour nous que nous concentrons nos efforts sur certains centres de croissance naturelle. Ces initiatives ou ces programmes auraient avantagé tous les Canadiens ou tout au moins, tous les Canadiens intéressés ou mis en cause.

Nous entendons donc changer, nous voulons créer au Canada un grand nombre de centres de croissance. Nous espérons bien que toute la population n'aura pas à déménager à Montréal, à Toronto, à Vancouver ou à Calgary pour vivre. Il est possible qu'on puisse développer Halifax un peu plus qu'ailleurs. Il est possible que Saint Jean de Terre-Neuve soit développé un peu plus qu'une autre ville. Il est possible même que l'on puisse développer davantage la ville de Québec. En effet, je ne sais pas si votre chiffre de 500 mille personnes comprend la population de Québec. Personnellement, je pense que l'on peut y ajouter la ville de Québec qui est une région de croissance trop lente. Cela ne fait pas le moindre doute. La population de Québec n'augmente pas depuis dix ou douze ans. Il faut donc que nous essayons d'en faire un centre de croissance de façon que l'on puisse rester à l'intérieur de la région ou de la province et y trouver du travail et un niveau de vie convenable.

Ce sera une nouvelle façon de faire. Nous allons avoir besoin de votre concours. Il ne faut pas que la population du Canada croît qu'il nous est possible de faire progresser tous les petits villages. Si tout le monde veut son

si nous vivons mieux dans le Québec qu'ailleurs, et ça, je suis bien d'accord avec tous ceux qui y croient, il n'en demeure pas moins vrai qu'au-delà d'un million, et peut-être deux millions de Canadiens français ont quitté la province de Québec pour aller vivre dans les autres provinces, ou pour aller vivre aux États-Unis.

Pourquoi? Parce qu'ils ne trouvaient pas, à ce moment-là, ce qu'il fallait pour vivre, ou qu'ils ne trouvaient pas le standard de vie qu'ils désiraient obtenir.

Donc, ça fait partie, à mon avis, intégrante des objectifs fondamentaux de la Fédération canadienne; c'est-à-dire que tous ceux qui font partie de cette Fédération puissent trouver, à l'intérieur de notre organisation politique, les meilleures conditions de vie possibles, et qu'un pays serait impossible comme le nôtre si, par exemple, il maintenait d'une façon permanente les inégalités qui existent, qui peuvent être exagérées, dans certains cas, mais qui sont réelles dans plusieurs autres.

Alors, c'est pourquoi nous croyons que la constitution de la Fédération canadienne devrait refléter cet objectif primordial de l'ensemble du Canada, - c'est-à-dire, que le développement se fasse de la façon la mieux équilibrée possible, même si nous ne croyons pas, comme d'ailleurs chacun de vous, sans doute, - ne croyons pas qu'il soit possible d'atteindre à l'égalité absolue; mais il y a sûrement moyen d'atténuer de façon sérieuse les inégalités qui existent.

(TRADUCTION)

Nous avons tenté au Canada de grands efforts pour nous débarrasser de ces disparités, pour en réduire les inconvénients, mais sans trop de succès. Nous avons probablement pu réussir à empêcher que se creuse davantage l'écart entre les provinces bien pourvues et les provinces mal pourvues.

C'est probable. Je ne saurais l'affirmer, car il s'agit là d'un avancé qu'il est impossible de prouver. Il aurait fallu en effet tenter les deux expériences à la fois, ce qui est évidemment impossible. Nous avons néanmoins tenté certains efforts et, bien qu'il subsiste des inégalités que ne sauraient accepter les Canadiens nous avons malgré tout mis en place des programmes comme l'ARDA, FEDER ou, dans l'Ouest, la Loi sur le rétablissement des terres agricoles des Prairies. Il y a eu, en Nouvelle-Ecosse, ce qu'on a appelé DOFCO et l'Office de développement des provinces de l'Atlantique.

plaisir à nous retrouver ici. Je suis persuadé que les citoyens canadiens, de Terre-Neuve à l'Ile-du-Prince-Edouard qui regardent et écoutent cette Conférence seront plus fiers que jamais d'être Canadiens, non pas Canadiens à trait d'union, mais Canadiens tout court.

Merci.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur

Bennett.

(FRANCAIS)

Je donne maintenant la parole au ministre des Forêts et du Développement rural, monsieur Marchand.

L'HONORABLE JEAN MARCHAND: Monsieur le premier ministre le problème des inégalités régionales au Canada est un problème qui, à mon avis, est fondamental, et se relie à la superficie même de la Fédération canadienne. Et ceci n'est pas un discours électoral, c'est que les gens, - les communautés s'unissent en États; ce n'est pas simplement parce que chacun des citoyens s'aime, mais parce que en s'unissant, ils veulent atteindre certains objectifs, et en particulier, des objectifs d'ordre économique. C'est-à-dire que si souvent, les liens culturels ou linguistiques donnent naissance à des États, le plus souvent, ces groupes linguistiques ou culturels s'unissent à d'autres groupes culturels ou linguistiques afin de mieux vivre. Parce qu'on se réunit dans une Fédération, comme bien d'autres pays, ce n'est pas nécessairement parce que tous les citoyens parlent la même langue ou ont la même culture, mais parce que les Canadiens ont cru qu'en s'unissant, ils pouvaient réussir des choses, sur le plan économique, qu'ils ne peuvent pas réussir, ou ne pourraient pas réussir, s'ils étaient divisés.

C'est pourquoi, malgré les liens, par exemple, qui peuvent unir les Écossais aux Anglais, en Grande-Bretagne, - il y a encore des gens qui rêvent d'avoir une Écosse séparée, - malgré les liens de la langue qui existent en Bretagne avec la France, il y a des Bretons qui veulent avoir leur pays, - il y a toujours cette tendance, mais, on s'aperçoit que ce besoin fondamental de vivre et de mieux vivre est primordial dans l'état des faits, et même plus importante, bien souvent, que les autres valeurs auxquelles nous visons, non pas en soi, mais dans l'ordre des choses.

Par exemple, si nous prenons le cas des Canadiens français, même s'ils tiennent énormément, et nous tenons énormément à ces valeurs culturelles et linguistiques, et

Je fais de grands voyages tous les ans, un peu partout, mais toujours, Monsieur le premier ministre, avec la collaboration entière de votre ministre des Affaires extérieures. Justement je lui en parlais dans la rue, en venant ici tout à l'heure. Je parlais de certains projets de voyage que j'avais pour cette année. Je fais toujours ces voyages pour l'avantage des Canadiens et avec la collaboration des représentants du gouvernement fédéral. Il y a quelques années, toujours avec la collaboration des autorités fédérales, six de nos ministres se sont rendus au Japon. Pendant deux jours on nous a traités avec le plus grand respect, la plus grande dignité. Le troisième jour, tout nous appartenait. Rien n'était trop beau pour nous parce que nous avions su gagner la confiance de nos hôtes. Non seulement le Japon est devenu notre meilleur client, à une exception près, mais à cause de cette bonne volonté qui s'est manifestée à notre endroit nous avons pu servir très utilement les intérêts du Canada. Lorsque nous allons dans d'autres pays, en Europe par exemple, nous sommes sensibles à ces sentiments d'amitié bien faits pour servir le Canada tout entier aussi bien que nos intérêts à nous.

Nous disons aux ministres fédéraux que l'on vous occupe tellement à la Chambre des communes qu'ils n'ont pas la chance de visiter ces pays. En conséquence, c'est aux premiers ministres provinciaux de se déplacer dans le monde pour faire notre propagande.

La Colombie-Britannique ne fait pas de concessions à l'industrie. Nous nous assurons que toutes nos ressources appartiennent à la population de la Colombie-Britannique. Nous accueillons volontiers les investissements de toutes les parties du monde. Personne ne peut devenir propriétaire de cette partie du Canada que nous appelons la Colombie-Britannique, si ce n'est la population de cette province à qui elle appartiendra éternellement. Tout le monde peut produire, mais est-ce que tout le monde peut vendre? Nous allons en Angleterre, en Allemagne, en Suède, en Finlande, au Japon. Nous allons chercher leurs investissements que nous voulons adapter à leurs marchés. Nous imposons de lourdes sanctions à ceux qui abattent trop comme à ceux qui n'abattent pas assez. Les ressources sont adaptées aux emplois. Voilà comment on crée une prospérité durable. Au moment où cette Conférence s'achève, qu'il me soit permis de remercier le premier ministre d'avoir invité la Colombie-Britannique à y participer. Je suis heureux de siéger ici en ma qualité de Canadien. Nous avons eu beaucoup de

qui a besoin de loger ses gens, de se doter de tous les autres services de ce genre. Ainsi, par exemple, la Colombie-Britannique croît deux fois plus vite que le reste du Canada de sorte qu'elle exige deux fois plus de capital social pour assurer les services dont je parle.

Je n'entends pas adresser de suppliques au gouvernement fédéral. Je lui demande simplement de bien réfléchir avant de proposer des politiques destinées à certaines régions en particulier et dont ne saurait profiter l'ensemble des Canadiens. Nous risquons ainsi de mettre un terme aux grands progrès de notre pays. Je pense que c'est là une considération de toute importance. Les centres de croissance sont tellement essentiels qu'il n'y a pas lieu de les traiter d'une façon différente des autres régions. C'est là, en effet, que se posent les grands problèmes.

On a parlé du subventionnement de l'industrie. J'y suis absolument opposé, Monsieur le premier ministre. En Colombie-Britannique nous ne bénéficions pas du tarif "national". Nous ne sommes pas en mesure, par exemple, d'acheter des tracteurs Massey Harris à bon marché comme en Saskatchewan; Monsieur Stewart. Nous ne sommes pas dans le centre. Nous dépendons entièrement du commerce mondial. Nous achetons nos produits sur un marché libre et nous devons d'autre part soutenir la concurrence des marchés du monde. Nous ne voulons pas dans notre province des industries qui n'y trouveraient pas naturellement place, en regard à notre situation géographique ou à nos ressources. Si nous avons des industries en serre chaude du type de celles qu'a condamnées si sévèrement le premier ministre de l'Ontario, je suis de son avis. Dans des conditions comme celles-là votre deuxième état sera pire que votre premier. Dès qu'on commence à subventionner des industries il n'y a plus de fin. J'ai entendu ici donner certains renseignements aujourd'hui au sujet des républiques de l'Amérique du Sud, ce qu'on appelle les "républiques de bananes". On y subventionne la prospérité au sommet, le simple travailleur n'y participant pas. Il y a là des gens qui ne payent pas d'impôts. Les riches profitent de la situation, les pauvres sont oubliés. J'ignorais le sens de l'expression *over the hill* avant d'aller à Nassau. J'y ai vu des millionnaires canadiens puis, passant de l'autre côté de la colline, j'y ai vu les pauvres. Consentir des concessions spéciales aux industries ou proposer à certaines personnes des obligations non-assujetties à l'impôt ce n'est pas une façon de construire un pays. C'est tout le contraire.

L'a fait, on l'a fait trop timidement, ni assez fort ni assez souvent. Voilà où le Canada perd des devises étrangères qu'il pourrait facilement gagner. Il pourrait y exister un marché commun avec les Etats de la Nouvelle-Angleterre. On ne devrait laisser rentrer dans le reste du Canada que les produits fabriqués à l'intérieur des Maritimes. Je ne laisserais pas les marchandes de cette zone de libre échange des Etats américains pénétrer en franchise dans le reste du Canada. Il faudrait certifier qu'ils viennent bien de la région elle-même.

L'HONORABLE J.R. SMALLWOOD: Vous supprimeriez les douaniers entre les provinces Maritimes et les Etats-Unis pour les installer entre les Maritimes et le Canada?

L'HONORABLE W.A.C. BENNETT: La réponse est non. Vous avez fait votre discours M. Smallwood. C'était du reste un discours qui aurait été bien à sa place à un congrès libéral. Vous avez bien su utiliser le temps qui vous a été départi avant le déjeuner. Je vous en félicite d'ailleurs.

Voilà ce que je veux dire, Monsieur le premier ministre. On a beau parler, il faut reconnaître que la meilleure façon d'assurer la prospérité d'un pays est d'assurer une exploitation rationnelle des régions fertiles qui peuvent s'y trouver. Voilà comment on peut attirer des recettes vers le trésor fédéral. Voilà comment on peut au mieux répartir les avantages qui en découlent. Le premier ministre de Terre-Neuve nous disait que sans les régions prospères du Canada la situation des autres provinces serait pire. Ne ralentissons pas l'application de ces politiques. Veillons à qu'il n'y ait pas une politique comme l'ARDA pour une partie du pays et une autre pour les autres parties. En dernière analyse on se trouverait à faire tort aux provinces mal pourvues. Il faut traiter tous les Canadiens de la même façon, où qu'ils soient ou alors vous risquez de compromettre la vie économique tout entière, nécessaire au financement du pays.

L'autre point sur lequel je voudrais attirer votre attention, Monsieur le premier ministre, est celui-ci: les régions de croissance sont aux prises avec des problèmes qui exigent du capital. Il existe des régions de croissance où l'accroissement démographique se chiffre par milliers. On y a besoin de nouvelles écoles. Ce n'est pas une région en perte de vitesse démographique qui a besoin de nouveaux hôpitaux. Ce n'est pas une région dont la population diminue

spéciales, de subventions atlantiques à accorder aux provinces de l'Est. On n'a qu'à consulter les archives, on verra que j'ai raison.

Mais on ne saurait jamais aider suffisamment les provinces atlantiques en leur faisant par-ci par-là de petites subventions, en les dotant d'une petite industrie subventionnée. En effet, on ne se trouverait là qu'à les doter d'industries condamnées d'avance à l'échec. Les provinces atlantiques ne sont pas bien situées et non pas facilement accès aux marchés.

Nous achetons tout de que nous pouvons acheter dans ces provinces. La semaine dernière, par exemple, nous commandions des millions de dollars de rails d'acier en Nouvelle-Ecosse pour nos nouvelles lignes de chemin de fer. Nous pensons, en effet, en Canadiens. Mais nous ne donnerons jamais la prospérité aux provinces Maritimes en y établissant des industries non-viables. La seule façon de redonner aux Maritimes leur prospérité de jadis, consisterait, je pense, à leur redonner le marché dont elles bénéficiaient autrefois dans les Etats de la Nouvelle-Angleterre.

D'abord, les provinces Maritimes doivent reprendre la question au point où elles l'ont laissée en 1864. Je puis parler comme je le fais parce que je suis toujours un fils des Maritimes. On ne saurait jamais oublier son pays d'origine, même si on aime sa terre d'adoption. Je dis donc que l'on devrait finir la besogne commencée en 1864, unir ces provinces pour en former une grande entité économique viable. Après quoi, au fur et à mesure que nous mettons au point de nouvelles idées, en ce deuxième siècle d'existence nationale, il faudrait que cette région bénéficie du libre échange avec les Etats de la Nouvelle-Angleterre. Sans doute perdrait-on certains revenus douaniers, au niveau du gouvernement fédéral, mais on en profiterait par une augmentation considérable de la circulation touristique. Il n'y a pas de plus beau pays au monde que ces régions-là. Ce n'est pas un mince hommage si on songe de la Colombie-Britannique! Les paysages y sont magnifiques et la pêche à la truite splendide.

Ce sont pour moi des souvenirs d'enfance. Je me souviens de la pêche au saumon, des promenades en bateau, de tout. On n'a pas du tout su comment faire de la publicité auprès des habitants des villes torrides des Etats de la Nouvelle-Angleterre, de New York ou d'ailleurs. On n'a pas su leur faire comprendre le charme de l'air pur et de la fraîcheur des provinces Maritimes en été. Si on

On peut parler d'impôt sur le revenu négatif. On peut parler de n'importe quoi. Il faut absolument que l'on mette entre les mains du citoyen l'argent qu'il lui faut pour acheter ce dont il a besoin. Il y a en effet des pauvres partout dans notre pays. Si nous voulons réaliser une véritable égalité il faut absolument que tous les Canadiens puissent bénéficier du même sort, quelle que soit la région du pays où ils habitent.

Ajoutons ceci. Dans les grandes provinces centrales du Manitoba et du Québec, - car ces provinces forment le centre du Canada, - où on dispose d'immenses ressources, on pourrait fort bien se tirer d'affaire sans avoir, pour autant, à recevoir des versements de péréquation au niveau des gouvernements. Il est incontestable qu'elles possèdent de grandes ressources, situées comme elles le sont dans une situation centrale et bénéficiant de la politique tarifaire "nationale". Mais il est possible que leur population ait besoin d'être aidée.

On pourrait y arriver certainement. Je ne doute pas que l'on puisse trouver une solution à ce problème car les ressources naturelles ne manquent pas dans ces régions. Quant aux provinces Atlantiques leur situation est différente. Je le reconnais volontiers. Les Pères de la Confédération, - je sais bien que je ne devrais peut-être pas les condamner, - ont certes réalisé une grande chose lorsqu'ils ont fait l'union des provinces. Néanmoins, lorsqu'ils sont allés à Charlottetown en 1864, qui était la lorsqu'ils y ont débarqué? Qui les y a rencontrés? C'était un représentant des provinces Maritimes. Et pourquoi? Pour unir ces provinces.

Pourquoi sont-ils allés dans ces provinces? Parce qu'ils venaient de perdre leurs avantages commerciaux aux Etats-Unis et que les Maritimes étaient prospères. Le Canada central voulait réaliser un marché commun américain. C'est pourquoi ils ont fait le Canada, ce qui était une bonne chose. Ce faisant, néanmoins, on a détruit la prospérité des Maritimes.

Il se trouve donc que les provinces Maritimes sont dans une situation différente et ont droit à des égards particuliers de la part de tous les Canadiens. Dans une des premières Conférences, il y a de cela, Monsieur le premier ministre, deux ou trois premiers ministres, j'ai été le premier à proposer la création de subventions

J'ai failli éclater en sanglots lorsque j'ai écouté mon bon ami, que j'admire beaucoup, le premier ministre de Terre-Neuve, dire qu'il y a deux millions d'habitants dans les provinces Maritimes et, partant de là, affirmer qu'ils étaient tous pauvres.

Oh oui! Il ajoutait deux millions puis un autre million, puis continuait jusqu'à en arriver à quatre millions. Pour lui, c'était une proportion de 20 pour-cent. Originnaire de ces régions, je ne saurais partager ce point de vue. Je ne veux pas me fâcher, mais je dois dire que je connais beaucoup de gens à Saint Jean de Terre-Neuve, à Moncton ou à Halifax qui sont loin d'être pauvres.

L'HONORABLE J.R. SMALLWOOD: J'en connais beaucoup aussi.

L'HONORABLE W.A.C. BENNETT: C'est ce que je voulais dire cet après-midi.

J'ai écouté avec grand intérêt le mémoire très sérieux présenté par la Nouvelle-Ecosse. Je parle moi-même très sérieusement. D'ailleurs, de ce point de vue, nous sommes tous sérieux. Je cite le sixième point de leur proposition:

"D'une part, nous pensons que c'est le droit des Canadiens de toutes les régions du Canada de bénéficier de services publics conformes à la moyenne nationale sans avoir pour cela à acquitter des impôts qui dépassent la moyenne nationale".

A cela la Colombie-Britannique ne changerait guère que deux ou trois mots. "D'une part, nous pensons que c'est le droit des Canadiens de toutes les régions du Canada de bénéficier...". Au lieu de mettre les deux ou trois mots qui s'y trouvent nous écrivons: "de bénéficier à un niveau de vie égal à la moyenne nationale sans avoir à acquitter des impôts qui dépassent la moyenne nationale".

Monsieur le premier ministre, je prétends que nous avons recherché la péréquation du mauvais côté. Nous avons voulu assurer l'égalité entre les gouvernements provinciaux. Vous avez entendu toutes les provinces Atlantiques. Toutes ont dit que chez-elle, le citoyen n'a pas vu s'améliorer son niveau de vie.

C'est le contraire qui est vrai. Lorsque j'étais petit garçon, dans une ferme, au Nouveau-Brunswick, je me suis bien rendu compte qu'on arriverait jamais à rien, qu'il s'agisse d'une paire de chevaux ou de n'importe quoi si on les effrayait au départ en agitant le mot crise. Ce n'était pas une façon de les faire entrer à l'écurie.

Je me réjouis de ce qu'un an plus tard les hommes d'Etat du Canada manifestent beaucoup plus de maturité. Au lieu de parler de crise ils parlent de faits bien établis. C'est la raison pour laquelle ces trois jours de conférence, à mon humble avis, ont été à tel point réussis. En effet nous avons parlé de choses froidement, sans nous agiter, d'une façon parfaitement pratique de façon à mieux servir les intérêts de tous les Canadiens.

Il n'est personne ici qui, ici ou ailleurs, ne mette sa qualité de Canadien au premier rang de ses préoccupations, en toute circonstance. Bien que nous puissions tous ne pas insister sur les mêmes choses, nous sommes tous favorables à l'unité. Comme je le disais hier, dans un demi-continent comme celui-ci l'uniformité ne serait pas bonne. Notre force vient de ce que nous n'avons pas tous les mêmes idées. Notre apport revêt des formes différentes.

La raison pour laquelle la Colombie-Britannique progresse si rapidement, - du point de vue démographique, deux fois plus vite que le reste du Canada, - c'est parce que de bons Canadiens viennent de toutes les provinces s'installer chez-nous. Il y a chez-nous assez peu d'immigration directe des pays étrangers, mais des Canadiens nous arrivent de toutes les provinces.

Si vous voulez vraiment aider les Canadiens de toutes les provinces, Monsieur le premier ministre, vous pouvez les aider en Colombie-Britannique, car c'est là qu'ils viennent.

J'ai été très impressionné par l'éloquence de mes amis, les premiers ministres des provinces Maritimes. C'est mon pays d'origine. Leur éloquence vous arracherait des larmes! S'il est une chose que l'on produit dans les provinces de l'Atlantique ce sont des politiciens éloquentes. Je suis ravi d'être parti avant d'avoir attrapé cette habitude.

Il existe ensuite des disparités qui durent depuis toujours. Je songe ici à la question des tarifs-marchandises. En Saskatchewan, nous avons aménagé un très long réseau routier de façon à assurer le progrès économique de la province. En même temps, nous avons à soutenir la concurrence des autres provinces en ce qui concerne l'implantation chez-nous de nouvelles industries.

Il faudrait, en temps utile, songer à évoquer cette question de la disparité régionale. Mettons que ce serait dans le préambule à une éventuelle nouvelle constitution.

Il est un autre domaine où, selon nous, ces inégalités existent. C'est celui de la distribution de l'impôt sur le revenu des sociétés. Nous avons déjà dit qu'il y a de grandes sociétés installées dans notre province, mais dont le siège social se trouve ailleurs. Nous estimons que sous sa forme actuelle l'impôt sur le revenu des sociétés nous prive de notre juste part.

Je crois que c'est à peu près tout ce que j'ai à dire.

LE TRÈS HONORABLE P.E. TRUDEAU: C'est assez juste, Monsieur Estey.

L'HONORABLE W.A.C. BENNETT: Monsieur le premier ministre?

LE TRÈS HONORABLE P.E. TRUDEAU: Demandez-vous la parole, Monsieur le premier ministre Bennett?

L'HONORABLE W.A.C. BENNETT: Si je le puis?

LE TRÈS HONORABLE P.E. TRUDEAU: Bien entendu.

L'HONORABLE W.A.C. BENNETT: Monsieur le premier ministre, au moment où nous arrivons aux dernières heures de cette Conférence je suis très heureux de dire que depuis trois jours ce mot épouvantable dont on faisait autrefois, il y a un an, un usage si constant, le mot "crise", n'est plus dans notre vocabulaire.

L'an dernier, parlant ainsi, j'ai été tourné en ridicule par tous les services de presse. On accusait le premier ministre de la Colombie-Britannique de ne pas prendre la chose suffisamment au sérieux.

Nous sommes frappés de ce que nous avons appris. Qu'il me soit néanmoins permis de rappeler qu'il y a 25 ou 30 ans il y avait en Saskatchewan 160 mille cultivateurs. Il en reste aujourd'hui environ 80 mille cultivateurs, pris dans l'état de la hausse des frais et de la baisse des cours, touchant à peu près le même prix pour leur blé que pendant les années 20, ont été obligés d'abandonner leur exploitation, de s'installer ailleurs, de se faire une nouvelle existence.

D'ailleurs, notre agriculture éprouve toujours des difficultés.

Tout ce que je veux dire c'est que nous sommes disposés à aider. Nous voulons voir régner l'égalité dans notre pays. Mais nous voulons qu'on tienne compte de tous les éléments de la question.

J'ai avec moi notre ministre des Affaires municipales, M. Estey chargé, notamment, des services aux Indiens et aux Métis pour notre gouvernement. Il vous dira quelques unes des initiatives que nous avons prises pour aider, non seulement les cultivateurs de la Saskatchewan, mais ceux de l'Ouest en général, qui se trouvent actuellement en difficulté.

L'HONORABLE C.L.B. ESTEY: Monsieur le premier ministre, ainsi que M. Stewart vient de vous le dire, il existe des inégalités à l'intérieur même des limites de notre province.

La plus grande de ces inégalités c'est celle dont est sans doute victime les Indiens et les Métis. Nous avons environ 70,000 Métis, dont certains - il faut le rappeler - vivent dans des réserves. Ces gens malheureusement se trouvent dans une situation très au-dessous de ce qu'elle devrait être.

Nous consacrons cette année une partie de nos ressources à venir en aide à ces Métis afin que, mieux instruits, ils puissent plus facilement se trouver du travail.

Nous n'en restons pas moins persuadés que si on allait constituer une conférence ou un comité quelconque chargé de s'occuper de cette question des disparités, il y aurait lieu d'inscrire en bonne place, à l'Ordre du jour, cette question des Indiens et des Métis. Il s'agit là, en effet, de quelque chose qui intéresse l'Ouest tout entier.

programme fédéral il faudra se montrer extrêmement prudent de manière à ne pas exclure des territoires pauvres qui pourraient satisfaire à certaines conditions tout en étant peut-être assez exigeants du point de vue géographique.

Merci.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, Monsieur le premier ministre.

J'ai l'impression que le chef de la délégation de la Saskatchewan, M. Steuart, a demandé à présenter quelques observations.

L'HONORABLE D.G. STEUART: Monsieur le premier ministre, commençons par dire que nous sommes favorables à tous les programmes qui pourraient réaliser une égalité économique plus grande d'un bout à l'autre de notre pays. Nous voudrions aussi dire que grâce à beaucoup de travail et à quelques calculs de la part du gouvernement fédéral, nous sommes devenus à notre tour une province riche. Nous en sommes reconnaissants.

C'est pourquoi je ne dis pas: "Nous appuyons ceci, mais..." Je dis que "nous appuyons ceci et nous voulons nous assurer que tout le monde est traité avec justice".

Un mot sur ce point. Le premier ministre Campbell parlait de l'aide considérable que nous avons reçue de l'Est pendant les années 50, pendant la crise. Ce n'est d'ailleurs pas la première fois que j'entends répéter cela dans l'Est du Canada. Je voudrais que l'on sache exactement ce qui c'est passé. Il est vrai que nous de la Saskatchewan avons, pendant les années 50, bénéficié d'une certaine aide en provenance de l'Est du Canada. Je voudrais dire à cette Conférence ce qui en était, une fois pour toutes.

Je veux remercier la population de l'Est du Canada pour les dix wagons de morues qui nous ont été envoyés pendant la crise. On m'a dit que nous les avions fait bouillir pendant trois jours après quoi nous sommes débarassés du poisson et nous avons bu l'eau qui restait! Néanmoins, si l'Est veut bien oublier ce qui s'est passé, nous voulons bien l'oublier aussi à condition que vous acceptiez vingt wagonnées de blé humide.

Mais soyons sérieux, Monsieur le président. J'ai écouté ce qu'avait à dire les provinces Atlantiques.

à cause des subventions qu'on lui accordait.

Nous avons bien précisé notre point de vue, je pense, dans le mémoire que nous présentions avant-hier. Je ne veux pas en donner lecture. Je me contente de rappeler que ceux que la chose intéresse pourront retrouver les passages qui traitent de cette question aux pages 21 et 22 dans notre mémoire. Nous cherchons à bien faire comprendre, avant tout, que le gouvernement fédéral ne doit pas oublier les régions qui ne souffrent pas de ces inégalités économiques. En effet, je reste convaincu que s'il n'y a pas équilibre entre les deux on se trouvera à appliquer, en quelque sorte, une double sanction. Si par l'application d'un programme quelconque on fait disparaître une industrie d'une région donnée pour l'installer ailleurs, on pourra se trouver à aider moins la région qui souffre de disparités qu'on ne voudrait. En même temps, on se trouverait à diminuer les avantages de la région qui l'a perdue.

Voilà un point sur lequel on devrait s'arrêter longuement. Je songe particulièrement aux programmes généraux du type FRPD, ARDA, etc. En somme, même à l'intérieur des provinces il importe de considérer très soigneusement ces programmes de façon que les subventions en question ne servent pas simplement à perpétuer les difficultés qu'on cherche à résoudre. La même observation vaut, je pense pour le programme fédéral.

Ce que nous essayons de faire comprendre c'est qu'il faudrait que l'on songe à des investissements dans les régions à grand potentiel économique. Il faudrait que ces régions soient traitées de la même façon que les régions plus pauvres. Moyennant quoi l'ensemble du pays en profitera; nous nous en trouverons tous mieux.

Je ne pense pas, Monsieur le premier ministre, que l'Alberta ait grand chose à ajouter. Un dernier mot cependant. Je pense qu'il est très difficile, en effet, de définir la disparité régionale.

Qu'envisageons-nous? Une certaine superficie? Des îlots à l'intérieur d'une grande région? Qu'est-ce que nous cherchons exactement?

Je ne doute pas que même les provinces riches puissent trouver chez-elles un certain nombre de régions qui aient besoin d'assistance. S'il existe à cet égard un

nous avons accueilli l'émissaire de M. Smallwood lorsqu'il est venu nous voir à Toronto. Nous l'avons aidé dans toute la mesure où nous l'avons pu. Ces quelques observations constitueront la part que j'entends prendre à ce débat.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci.

Le premier ministre Strom a donné à entendre qu'il voulait intervenir au nom de l'Alberta.

L'HONORABLE H.E. STROM: Je n'ai que quelques mots à dire, ce ne sera pas long.

D'abord, je voudrais répondre à une ou deux déclarations qui ont été faites ce matin. Je songe ici, d'abord à celle qu'a faite mon ami M. Campbell de l'Île-du-Prince-Edouard. Selon lui la province de l'Alberta aurait dit au gouvernement fédéral qu'elle ne s'intéressait pas à son programme et qu'elle entendait se débrouiller seule.

Il songeait ici au programme des parcs fédéraux. Je voudrais simplement signaler à ceux qui sont présents à cette séance que les parcs nationaux qui se trouvent en Alberta occupent une superficie supérieure à celle de l'ensemble de tous les autres parcs nationaux au Canada. C'est dans ce contexte, naturellement, qu'il fallait s'expliquer le non que nous apportions à ce programme en particulier.

Deuxièmement, je tiens à rappeler que l'Alberta a toujours appuyé le principe des versements de péréquation aux Conférences passées, ainsi que pourront en témoigner ceux qui se sont réunis ici depuis quelques années. Nous continuerons d'appuyer ce principe.

Quant à ce qu'a dit M. Smallwood des subventions données aux industries, disons qu'en Alberta il n'existe aucun programme de ce genre. Nous croyons que c'est la rentabilité éventuelle d'une industrie qui doit avant tout intervenir dans le choix du lieu de son implantation. Si nous appliquons ce principe, il est assez peu probable que cela puisse nous attirer des ennemis.

Il est vrai que cette politique nous a, à l'occasion, fait perdre une industrie, mais j'ai l'impression que l'industrie qui nous a abandonnée, faute de subventions de notre part, pourrait fort bien se retrouver en tâcheuse

fondamentaux. Qu'on aille pas croire que nous ayions toutes les réponses. Je ne prétends pas non plus pouvoir vous présenter des solutions d'ores et déjà. Il reste cependant qu'il existe certains principes.

Qu'il soit parfaitement entendu que l'Ontario a toujours appuyé le principe de la péréquation dans notre pays. Je ne m'étais pas rendu compte que tous les lits utilisés à Terre-Neuve étaient fabriqués en Ontario, ni que tout ce qu'on peut prendre au petit déjeuner dans cette province vienne de chez-nous. Nous nous rendons néanmoins parfaitement compte que la prospérité de l'Ontario est fondée sur tout un ensemble d'éléments. Dans certains cas il s'agit tout bonnement d'accidents géographiques heureux, dans d'autres cas il s'agit de dons du ciel et dans d'autres cas encore notre prospérité tient à ce que nous trouvons à faire partie d'un grand pays qui s'appelle le Canada.

Nous le reconnaissons très volontiers. Nous resterons toujours disposés à faire tout ce que nous pourrions pour assurer qu'il puisse exister d'un bout à l'autre du Canada des normes relativement uniformes. Il faut tout de même que la qualité de Canadien ait un véritable sens, où qu'on habite, quelle que soit la situation économique de la région où l'on se trouve. Voilà un problème très fondamental.

La chose a été très bien mise en lumière à la Conférence de Toronto sur la Confédération de demain. Je me suis rendu compte alors que dans certaines régions on attachait à cette question une importance aussi grande qu'à la réforme constitutionnelle.

Je ne vois d'ailleurs pas pourquoi nous n'aborderions pas ces deux questions de front et simultanément de manière à résoudre d'un seul coup toutes nos difficultés.

Je n'entends pas ajouter grand chose à ce que je viens de dire. Qu'il me suffise de déclarer que la chose nous intéresse beaucoup. Nous avons du reste de précieux conseils à donner en ce sens que nous nous trouvons actuellement fort occupés à mettre en valeur notre propre territoire. Nous avons des compétences particulières à cet égard que nous ferions un plaisir de mettre à la disposition de tous ceux qui voudraient participer à des programmes de ce genre sur le plan national. C'est avec plaisir que

remplacer les choses que nous avons à importer dans notre province par des produits que nous fabriquions chez-nous, dans nos propres usines.

Un autre point, en ce qui concerne les impôts. L'utilisation de chiffres à l'appui d'une thèse quelconque est un peu délicate parfois. Ainsi, par exemple, en Ontario nous exigeons une prime en ce qui concerne l'assurance hospitalisation et l'assurance santé.

Ces primes ne sont peut-être pas des impôts proprement dits, mais il n'en reste pas moins que la population de l'Ontario a payé, à ce double titre, plus de 500 millions de dollars l'an dernier. Voilà justement, M. Smalwood, une partie de ces 500 millions que, selon vous, nous pourrions trouver en augmentant nos impôts pour les porter au niveau qu'ils atteignent à Terre-Neuve.

Je mentionne la chose en passant parce que l'utilisation des chiffres est sujette à caution si les éléments de comparaison ne sont pas les mêmes.

Je me souviens en effet d'avoir parlé d'un fonds de un milliard de dollars. Je ne pense pas que ce chiffre ait eu un véritable sens; je tenais simplement à donner l'impression que cela coûterait fort cher. Nous pensons néanmoins qu'il existe dans notre pays, sur le plan national, un besoin véritable de faire disparaître les disparités régionales. Nous pensons que l'on doit y arriver en mettant en valeur les avantages dont peuvent disposer ces régions du pays.

Il est inutile de cultiver des fleurs de serre qui exigeront des soins constants. Ce n'est pas ainsi que nous pourrions résoudre nos problèmes. Ce qu'il faut faire, à mon avis, c'est de regarder l'ensemble du pays pour juger des endroits où se trouvent certaines richesses non encore exploitées. J'y vois, pour ma part, un problème national qui exige, pour sa solution, des programmes nationaux.

Monsieur Bennett, vous parliez de choses de ce genre hier. J'étais entièrement de votre avis au moment où vous nous entreteniez des progrès qui restent encore à réaliser dans votre province et dans certaines régions limitrophes.

On peut, sans doute, agir de beaucoup de façons. Il faudra pour cela s'en tenir à certains principes.

pouvons attendre du gouvernement fédéral sur l'ordre des dépenses du gouvernement fédéral. Je ferais cette proposition plus tard.

LE TRÈS HONORABLE P. E. TRUDEAU : Merci monsieur Dozois.

La délégation d'Ontario a également demandé la parole. Mr. Robarts?

(TRANSCRIPTION)

L'HONORABLE J. P. ROBERTS : Merci, Monsieur le

premier ministre. J'ai bien pris note du conseil que vous nous avez donné en ce qui concerne l'heure. Je suis sensible à ce fait. Je ne voudrais cependant pas que l'on ait l'impression que parce que l'Ontario est jusqu'ici restée muette elle ne s'intéresse pas au développement économique intégral de notre pays tout entier. On a parlé des programmes qui existent dans notre province. Il est certain que je ne suis pas venu ici m'excuser de l'énergie dont nous faisons preuve dans la mise en valeur de l'industrie chez-nous. Nous avons à faire face au problème suivant : créer pour notre population active cent mille nouveaux emplois tous les ans. Ceci tient compte de l'arrivée dans notre province d'hommes et de femmes venus non seulement de Terre-Neuve, mais de toutes les parties du monde.

Notre programme est un programme d'action. Nous sommes loin d'être mal informés sur ce que peuvent être les disparités régionales. Celles-ci existent en effet dans ma propre province. Nos projets ont pour but de les faire disparaître à l'intérieur de nos frontières.

Ainsi, par exemple, l'encouragement que nous pouvons offrir à l'industrie ne s'adresse pas du tout à celles qui voudraient s'installer dans la région métropolitaine de Toronto. Nous offrons cependant certains avantages aux industries qui voudraient s'établir dans certaines régions de l'Est ou du Nord de l'Ontario, là où nous jugeons le développement économique trop lent et où nous voulons l'encourager.

J'ai l'impression que nous montrons assez scrupuleux lorsqu'il s'agit de faire venir en Ontario une industrie déjà installée dans une autre province. Nous voudrions beaucoup plus faire venir en Ontario des industries déjà en place aux Etats-Unis. Nous voudrions

Entre parenthèses, monsieur Smalwood le Premier ministre de Terre-Neuve a mentionné, ce matin, que dans le Québec, nous pouvons avoir quelques deux millions de nos citoyens qui étaient victimes de ces disparités, mais après avoir vérifié les chiffres que nous a fournis l'Office de Planification, nous estimons à environ 500,000 habitants le nombre de personnes affectées par des disparités régionales. Or, comme notre population est tout près de six millions, c'est à peine huit ou neuf pourcent de notre population qui est touché par ces conditions. Il reste quand même que c'est une proportion suffisante pour que nous nous intéressions à ce problème et que nous tentions d'y apporter des solutions.

Je reviens à la déclaration de monsieur Johnson qui disait :

"Pour cette raison et aussi parce que nous croyons que dans un pays riche comme le Canada, une telle situation ne doit pas être tolérée, nous sommes entièrement disposés à étudier l'application de toutes idées nouvelles à ce sujet. Dans le respect des compétences constitutionnelles de chacun, nous sommes prêts à collaborer avec les autres gouvernements à une action d'envergure dans ce sens. Certes, les discussions constitutionnelles sont devenues nécessaires pour la survie du pays. Il n'en reste pas moins que le bien-être des citoyens d'un même pays demeure un impératif auquel le gouvernement du Québec souscrit entièrement. Il est pleinement résolu à s'acquitter de ses responsabilités à cet égard, il offre sa collaboration et aussi accepte celle des autres gouvernements car il s'agit d'un problème humain de premier ordre. Tous les citoyens canadiens ont droit à un niveau de vie acceptable, quelle que soit la région qu'ils habitent".

Voilà la déclaration que monsieur Johnson a faite, ici, à la conférence du mois de février, l'an dernier. Je pense que ce paragraphe résume toute l'attitude du gouvernement du Québec sur cette importante question.

Lorsque nous tirerons les conclusions de cette question, j'aurai peut-être une suggestion pouvant tenir compte d'une suggestion faite ce matin par monsieur Weir, Premier ministre du Manitoba, quant à l'action que nous

(TRADUCTION)

LE TRÈS HONORABLE P. E. TRUDEAU : Nous allons maintenant poursuivre la discussion de l'article de l'Ordre du jour qui traite des disparités régionales. Un certain nombre de délégations ont demandé à faire des déclarations là-dessus. Nous garderons tous l'oeil sur la pendule.

(FRANCAIS)

LE TRÈS HONORABLE P. E. TRUDEAU : Je crois que la parole a été demandée par la délégation du Québec, le Premier ministre Bertrand?

L'HONORABLE JEAN-JACQUES BERTRAND : Monsieur le président, je demanderais à mon collègue, le ministre des Finances, l'honorable monsieur Dozois de tenir quelques propos tant sur les disparités régionales que sur certains problèmes qui y sont reliés.

L'HONORABLE PAUL DOZOIS : Monsieur le Premier ministre, messieurs, nous du Québec, nous n'avons pas grand chose à ajouter sur ce qui a été dit sur les disparités régionales, si ce n'est que nous acceptons en principe que l'on doive tenir compte, dans la fiscalité ou dans la péréquation, des inégalités des diverses régions du pays.

Il est inutile, je pense, monsieur le président, de prolonger ce débat. Nous ne ferions que répéter ce que la délégation du Québec a affirmé, ici, l'an dernier, en particulier le Premier ministre du temps, monsieur Johnson. Mais je pense que je pourrais relire un paragraphe de cette déclaration qui contient à mon avis, l'essence même de l'attitude du Québec et je cite ce que monsieur Johnson disait en partie :

"Toutefois il est évident que le Québec n'est pas du tout indifférent au problème des inégalités des diverses régions du pays car dans une bonne mesure, il en est lui-même victime".

SIXIÈME SÉANCE — MERCREDI APRÈS-MIDI
Ottawa, le 12 février 1969

LE TRÈS HONORABLE P.E. TRUDEAU: Merci bien, monsieur le premier ministre Smallwood.

Je pense que nous devrions nous en tenir à l'horaire et lever maintenant la séance. Après le déjeuner, le ministre du Développement régional du Canada -- ce sera le titre de son ministère dans quelques jours, alors que notre projet de loi sera présenté à la Chambre -- exposera la position du Canada. Y aurait-il d'autres interventions? Le Québec et l'Ontario, peut-être? Soit les trois provinces riches?

Voulez-vous reprendre la séance à deux heures? Non, à deux heures et demie plutôt. Cela donnera aux fonctionnaires le temps de préparer nos décisions.

Merci beaucoup. La séance est levée jusqu'à deux heures et demie.

Canada, ils peuvent scruter en contrebas les profondeurs du ravin économique. J'estime que nous devons rester sur ce sommet, ou descendre d'un cran pour permettre à l'économie de nous rattraper.

Evidemment, vous n'êtes peut-être pas en mesure de dire que vous allez infuser deux ou trois centaines de millions de dollars dans les veines économiques des provinces de l'Atlantique... Et Dieu sait si nous avons soit de deux ou trois centaines de millions de dollars; Si vous pouvez vous départir de cette somme, nous saurons fort bien comment l'employer. Nous en ferons très bon usage. A Terre-Neuve, nous en avons désespérément besoin.

Monsieur le premier ministre, permettez-moi d'ajouter encore un mot. Votre budget cette année s'élève à treize milliards six millions de dollars. Ce chiffre astronomique me rappelle une époque de ma vie, alors que je travaillais au trentième étage d'un immeuble de New-York. C'était au dernier étage: quand on restait bien tranquille, on avait l'impression d'être sur la terre ferme; mais il suffisait de lever la jambe pour s'apercevoir que tout vacillait. L'immeuble oscillait latéralement de trois à quatre pouces, ce qui lui donnait un mouvement total de six à huit pouces. Un mouvement de la jambe, et on avait l'impression que tout basculait. Un budget de treize milliards six cents millions de dollars est comme un gratte-ciel qui oscille de quelques centaines de millions de dollars, mettons. Je crois que vous me comprenez. Mettons qu'il oscille un peu dans notre direction cette année, un peu plus l'an prochain, un peu plus l'année suivante...

En somme, je ne pense pas qu'on puisse anticiper cette année l'instauration intégrale de la société juste. Je suis renversé lorsque je constate les entorses qu'on fait subir au gros bon sens, lorsque j'entends des gens déclarer que la société juste n'a pas été instaurée au cours des six derniers mois. C'est on ne peut plus déraisonnable. Je sais que cette année vous essayez d'équilibrer le budget et de stabiliser l'économie du Canada. Je sais que ce n'est pas l'année de la pêche miraculeuse; mais donnez-nous seulement un bon petit coup de filet, commencez un tout petit peu à appliquer votre grande politique destinée à réduire les disparités régionales, et nous serons tous très satisfaits.

Entre temps, en dépit des efforts que nous ne ménageons pas, l'écart s'élargit entre, d'une part, les quatre provinces de l'Atlantique et, d'autre part, la région plus prospère du Québec et le reste du Canada. Nous quatre et nos collègues du Cabinet ne sommes sûrement pas les seuls qui devons nous creuser la tête pour essayer de régler ce problème. Vous êtes sûrement dans le coup, monsieur le premier ministre, de même que vos collègues. Qu'un cinquième de la population canadienne, que vingt pour cent de la population, de bons et de loyaux Canadiens, sans qu'il y aille de leur faute ou qu'ils le fassent de propos délibéré, mais peut-être parce qu'ils n'ont pas les programmes, les objectifs ou les lignes de conduite qu'il faudrait, macèrent pour ainsi dire dans leur jus - je me garde d'exagérer - alors que leurs concitoyens des autres régions s'avancent par bonds, cela ne laisse sûrement pas indifférents le Parlement du Canada et les vingt millions de Canadiens. C'est tout à fait vrai, les autres procèdent par bonds et c'est excellent; mais ne pourrions-nous pas faire quelques petits sauts, nous aussi? Le premier ministre ne pourrait-il pas accélérer sa politique de façon consciente et délibérée? Je pense que l'histoire canadienne retiendra votre nom à deux titres. D'abord, parce que vous essayez vaillamment de convaincre tous les citoyens de ce magnifique pays de consentir à prendre les initiatives constitutionnelles qui permettront de créer et de consolider l'unité, l'harmonie et la grandeur du Canada. Sans l'unité et l'harmonie, il ne saurait y avoir de grandeur. L'histoire inscra votre nom dans son livre d'or, de même que celui de M. Pearson. Et ce qui perpétuera surtout votre mémoire, c'est que vous aurez cherché à unir le Canada, constitutionnellement et économiquement, à mitiger, sinon à éliminer, la division entre le Canada riche et le Canada pauvre, entre les provinces prospères et certaines provinces qu'on entoure de la conspiration du silence.

Il ne me reste plus qu'un commentaire à faire. Je crois savoir que le gouvernement canadien n'est pas aussi pourvu cette année qu'il en avait l'habitude. Tous les gouvernements du Canada, le gouvernement fédéral et les dix gouvernements provinciaux, ainsi que les milliers de municipalités, de commissions scolaires, et d'organismes publics de toutes sortes, ont collectivement saigné l'économie à blanc au cours des dix ou douze dernières années. Voilà ce que je crains. J'estime qu'ils doivent maintenant se reposer pendant une année ou deux. Ils ont atteint le sommet des dépenses publiques, et de ce sommet, qui est très élevé, qu'il est le plus élevé qu'on ait jamais vu au

impossible qui aboutit fatalement à l'échec le plus complet. La population doit augmenter; elle ne peut rester à un point mort. C'est une loi de l'histoire: ou il y a progrès, ou il y a recul.

Nous avons fait des efforts extraordinaires pour développer l'économie de Terre-Neuve. Considérez les chutes Churchill. Le gouvernement canadien nous a aidé, sous forme de concessions fiscales, mais c'est le gouvernement de Terre-Neuve qui, par ses efforts, a amené au Canada - à Terre-Neuve, qui fait partie du Canada - le plus vaste projet d'aménagement hydroélectrique au monde.

J'en ai discuté avec M. Kosygin alors qu'il se trouvait à Terre-Neuve l'an dernier. On m'a invité à le rencontrer officiellement; j'y suis allé, et je lui ai parlé des chutes Churchill. Il m'a demandé combien de kilowatts on produirait. Je lui ai répondu que je ne connaissais pas la réponse en kilowatts, mais que l'aménagement du fleuve Churchill permettrait de produire de 10 à 11 millions de chevaux-vapeur. Il s'est penché vers son voisin, a marmonné quelque chose en russe, a fait avec lui quelques petits calculs pour ensuite déclarer: "Nous avons mieux que vous". J'étais fort déçu, car je m'enorgueillissais du fait que nous avons à Terre-Neuve le plus vaste programme d'aménagement hydraulique au monde. Et j'avais eu raison. M. Kosygin avait additionné la production d'une demi-douzaine de centrales.

Et cette réalisation spectaculaire, c'est nous, c'est Terre-Neuve qui l'a apportée au Canada.

Monsieur le premier ministre Roberts, lorsque vous songerez aux versements de péréquation qui sont remis au gouvernement de Terre-Neuve, n'oubliez pas que ce gouvernement, pour mettre en valeur les chutes Churchill, a apporté au Canada, de l'étranger, mille millions de dollars, un milliard de dollars. Ce milliard n'est que la moitié de l'investissement total, compte tenu du futur projet d'aménagement qu'il faudra réaliser sur le même fleuve et des immenses systèmes de transmission dans le Québec et le Labrador. Deux milliards de dollars: ce n'est pas une mince contribution à l'industrie et à l'économie du Canada. La Nouvelle-Ecosse fait de même, ainsi que le Nouveau-Brunswick. Nous fournissons une importante contribution à l'expansion économique du Canada, mais les résultats, trop faibles et trop lents, se répartissent sur une trop longue période. Entre temps, notre population diminue.

Est-ce suffisant?

Le premier ministre est d'avis que c'est loin d'être suffisant.

Si j'ai posé cette question au premier ministre, c'est parce qu'il me fait l'effet d'un conservateur à plus d'un point de vue. C'est loin d'être suffisant. Je crains de poser la même question au premier ministre Campbell, parce qu'on croira à un coup monté.

On dirait qu'il s'agit d'un autre complot. Si c'est un complot, il a été ourdi à découvert, et ce genre de complot constitue l'essence de la démocratie!

Nous faisons tout notre possible, vous savez. Nous n'en finissons pas de taxer et d'obtenir tout ce que nous pouvons de vous. Ces deux sources auxquelles s'abreuve la province de Terre-Neuve ne lui permettent pas de progresser aussi rapidement qu'elle le devrait. Ne riez pas, c'est tout à fait exact.

Même si nous avons le taux de natalité le plus élevé et le taux de mortalité le plus bas au Canada, nous perdons chaque année de cinq à six mille jeunes hommes et jeunes femmes, parmi nos brillants sujets. Monsieur le premier ministre Roberts, ils acceptent votre invitation et viennent grossir la population de l'Ontario. Le gouvernement de Terre-Neuve et les parents de ces jeunes ont consacré \$20,000 à l'éducation de chacun d'eux, et ils nous quittent au rythme de cinq à six mille par année.

Nous faisons tout en notre pouvoir, et nous faisons même davantage. Nous nous sommes endettés, nous avons emprunté; nous avons contracté des emprunts et consenti des prêts. Nous en dépensons une partie, et en prêtons une partie aux conserveries de poisson et aux usines. Nous nous sommes portés garants d'obligations et de dettes indirectes. Nous accumulons dette sur dette.

Il y a vingt ans, nous sommes devenus Canadiens. Et dès ce moment, Terre-Neuve a fait face à un très grave danger: l'exode éventuel de sa population. Si tout le monde était parti, le drame économique et financier n'aurait peut-être pas été aussi terrible. La pire éventualité, c'est un exode considérable mais néanmoins partiel: gouverner un pays dont la population ne cesse de diminuer, c'est une tâche terrifiante. C'est une mission

L'HONORABLE J.P. ROBERTS: Je suis content que vous nous aidiez à porter ce fardeau!

L'HONORABLE J.R. SMALWOOD: Il ne s'agit pas d'un fardeau pour l'Ontario. Le fait que les gens de Terre-Neuve, du Nouveau-Brunswick, de l'Île-du-Prince-Édouard, de la Nouvelle-Écosse et des autres régions du Canada consomment les produits de toutes sortes que vous fabriquez, c'est là le secret de votre prospérité. Dieu merci, au moins, vous les fabriquez.

Et tous les impôts qui frappent ces produits, c'est le premier ministre qui les perçoit. Il ne dépense pas assez. Je ne vous vise pas personnellement, monsieur le premier ministre, mais bien plutôt la fonction que vous représentez et tous ceux qui l'ont assumée avant vous. C'est trop peu. C'est toujours trop peu et trop tard.

Le fossé se creuse. Les quatre provinces... monsieur le premier ministre Smith, vous avez les chiffres, n'est-ce pas? L'écart entre les quatre provinces de l'Atlantique prises collectivement-- et je sais que Terre-Neuve fait ployer la moyenne, même si nous remontons la pente lentement -- et le reste du Canada ne s'est-il pas élargi au cours des deux dernières années?

L'HONORABLE G.I. SMITH: Au point de vue des dollars, oui.

L'HONORABLE J.R. SMALWOOD: Mais au point de vue des sentiments de fierté et de bonheur que nous éprouvons à vivre dans la région de l'Atlantique, nous atteignons un sommet inégalé jusqu'ici. Mais au point de vue du revenu, monsieur le premier ministre, du niveau de vie, des services publics, et de tous ces éléments qui servent habituellement de critères économiques, nous sommes plus loin derrière le reste du Canada aujourd'hui qu'il y a dix ans.

Et malheur au pays qui se divise sur lui même, malheur au Canada qui engendre un Canada riche et un Canada qui, s'il n'est pas vraiment pauvre, n'en reste pas moins beaucoup moins prospère que le premier. Et qu'est-ce que vous faites? Vous lancez contre la cible plusieurs flèches de votre arc: ARDA, ADA, FEDER, la Banque d'expansion industrielle, la Loi nationale sur l'habitation, et quelques autres encore. Mais tout ce carquois est loin d'être suffisant, n'est-ce pas?

Quatre millions sur vingt, cela signifie, n'est-ce pas, vingt pour cent de la population du Canada? Vingt pour cent des Canadiens ont un niveau de vie personnel et familial inférieur à la moyenne, des services publics moins bien organisés que la moyenne.

Nos routes sont moins nombreuses et moins bonnes que celles des autres régions du Canada. Nos hôpitaux ne peuvent pas soutenir la comparaison. Financièrement, nous ne pouvons pas nous le permettre.

Et la plupart des gens doivent se contenter d'un niveau de vie inférieur. Cela veut dire, monsieur le premier ministre, que l'enfant qui va naître ce soir, cette nuit, ou demain matin, quelque part à l'est de cette ligne qui s'étend du nord au sud de la province de Québec, ou quelque part dans les quatre provinces de l'Atlantique, sera condamné à une condition inférieure, à une nourriture moins abondante, à un foyer moins gai, à des écoles et à des hôpitaux plus démunis, à des routes moins bonnes et à des services municipaux moins complets que la moyenne canadienne. C'est tout comme si un tribunal s'assemblerait près du berceau de cet enfant pour le condamner à une condition inférieure à la moyenne canadienne, et sûrement à la moyenne ontarienne.

Ce problème n'intéresse-t-il que le premier ministre Campbell? N'intéresse-t-il que nous quatre, des provinces de l'Atlantique? N'y va-t-il pas plutôt de votre responsabilité, et de celle du Parlement de notre grand pays? Cela ne vous regarde-t-il pas, vous et vos collègues du gouvernement du Canada? Cela ne regarde-t-il pas l'Ontario.

Examinons la situation de plus près. Nous ne pouvons pas déjeuner le matin sans payer des bénéfices à quelque compagnie ontarienne. Le lit dans lequel nous avons dormi a été fabriqué quelque part en Ontario. Le matelas et les ressorts aussi. Et la literie par-dessus le marché! Au lever, nous faisons nos premiers pas sur le tapis -- si nous pouvons nous le permettre -- sur le linoléum ou sur la vieille toile qui vient, il va sans dire, de l'Ontario.

Nous nous rendons à la salle de bain: la baignoire a été fabriquée en Ontario. Nous descendons prendre le déjeuner; la nourriture que nous consommons vient de l'Ontario, du Manitoba ou d'ailleurs. Tout ce que nous mangeons, tous les vêtements que nous portons...

Deux millions de Canadiens vivent dans la région de l'Atlantique. On trouve en Nouvelle-Ecosse, dans l'Ile-du-Prince-Edouard, à Terre-Neuve et au Nouveau-Brunswick deux millions de citoyens loyaux. Il y a quelques instants, j'ai demandé un renseignement démographique au premier ministre de la province de Québec. Il n'a pas pu me fournir la réponse à brûle pourpoint et il n'a pas eu le temps de compter toutes les têtes.

Je me demande quelle est la population de l'extrémité est du Québec, soit cette partie qui frôle la Nouvelle-Ecosse, le Nouveau-Brunswick, Terre-Neuve et l'Ile-du-Prince-Edouard. Il doit y avoir au moins un million de Canadiens dans cette région du Québec.

L'HONORABLE J.-J. BERTRAND: Si vous me permettez, la population de la Gaspésie, de la péninsule de la Gaspésie, est d'environ de 500,000 habitants.

L'HONORABLE J.R. SMALWOOD: La Gaspésie est sans doute la manifestation la plus pathétique de cette région, plus étendue, qui se situerait à l'est d'une ligne qu'on peut tirer du nord au sud dans le territoire de la province de Québec. Il doit y avoir environ un million de personnes qui habitent à l'est de cette ligne.

Si l'on soustrait un million de six millions, il en rest cinq. Je ne pense pas que ces cinq autres millions de personnes qui habitent la province de Québec soient tellement prospères, qu'ils bénéficient du plein emploi, de traitements élevés et d'un haut niveau de vie, à tel point qu'on puisse les mettre hors de cause.

J'ai l'impression qu'un autre million de Québécois au moins tombent dans la première catégorie. Il y a donc deux millions de personnes dans la province de Québec, et deux autres millions dans les quatre provinces de l'Atlantique, soit quatre millions de Canadiens sur 20 qui ont aujourd'hui un niveau de vie de beaucoup inférieur à la normale.

Il ne sont pas tous aussi pauvres que nous le sommes, et j'en remercie la Providence. Car s'ils l'étaient, nous serions appauvries d'autant. Si l'Ontario, l'Alberta et la Colombie Britannique étaient aussi pauvres que nous, il n'y aurait plus de péréquation. Il n'y aurait plus rien à niveler, plus rien à égaliser sauf la pauvreté qui régnerait au Canada.

Bref, tous les gouvernements du monde qui pratiquent la libre entreprise, sauf, toutes proportions gardées, le gouvernement du Canada -- et j'ai bien dit "toutes proportions gardées" -- font quelque chose pour aider les éléments sous-développés de leurs régimes économiques à se relever.

Permettez-moi de vous donner un autre exemple. New Madrid, une petite ville limitrophe de l'Etat du Missouri, qui compte une population de 2,800 âmes, vient de lancer une émission d'obligations de 98 millions 600 mille dollars! Remarquez bien qu'il s'agit d'une petite ville de 2,800 personnes. Il s'agit d'obligations exemptes d'impôt. Attendez la fin de l'histoire avant de sourire, votre sourire se transformera peut-être en rictus.

Le gouvernement américain a exempté cette émission d'obligations de tout impôt fédéral. Autrement dit, aucun acheteur n'est assujéti à l'impôt sur le rendement de ces obligations. Et voilà pourquoi on a réussi à émettre 98 millions 600 mille dollars d'obligations. Et pourquoi? Pour aménager une centrale thermique qui produira de l'électricité. Et pour qui? Pour alimenter une usine d'aluminium. Et à qui appartient cette usine d'aluminium? A une brave compagnie canadienne!

On a réussi à vendre les obligations parce qu'elles sont exemptes d'impôt, ayant été dégrévées par le gouvernement des Etats-Unis, et cette émission permet d'attirer dans une petite ville de 2,800 âmes de l'Etat du Missouri une importante industrie canadienne qui a décidé d'aller s'y installer pour produire de l'aluminium.

Ainsi, le gouvernement des Etats-Unis dégrève les obligations qu'il fallait vendre à tout prix pour obtenir des fonds nécessaires à la construction d'une centrale thermique, en vue d'attirer une usine d'aluminium. Voilà comment les industries s'implantent aux Etats-Unis.

Les obligations exemptes d'impôt ne sont qu'un moyen entre plusieurs. Si pendant une période de 5 ou 10 ans -- et l'entente serait alors renouvelable --, vous nous permettiez d'émettre dans les provinces de l'Atlantique des obligations industrielles dont le produit ne serait pas frappé par l'impôt du gouvernement fédéral, nous pourrions peut-être attirer vers nos provinces de vastes mouvements de nouveaux capitaux. J'ignore si nous obtiendrons ce résultat, mais ce serait peut-être un façon d'y arriver.

s'établir dans les régions qu'il juge défavorisées ou sous-développées -- ses provinces de l'Atlantique, quoi!

Il s'agit de millions de livres; évidemment, qu'on me corrige si je me trompe. J'ai chargé quelqu'un de particulièrement brillant de se rendre en Angleterre pour s'entretenir avec des membres du gouvernement britannique sur ce qu'on fait dans ce domaine. Moi-même, je suis allé trouver à Londres des membres de l'Office britannique chargés de l'assurance des crédits à l'exportation. J'y ai appris que le gouvernement du Royaume-Uni aide des sociétés anglaises réputées, qui fabriquent tel ou tel article, telle ou telle machine, à exporter leurs produits à Terre-Neuve -- éventuellement, à y établir une industrie --, au reste du Canada, ou à n'importe quel pays à travers le monde, en se portant garant de crédits à l'exportation portant échéance de 8 ou 10 ans.

Savez-vous que la France... J'ai négocié avec le gouvernement français... pardon je n'ai pas négocié. J'ai plutôt accompagné le négociateur du ministère du Commerce. Je ne veux pas créer de malentendu.

Un industriel songait à établir une industrie à Terre-Neuve, avec l'aide de notre gouvernement, et voulait la doter de matériel et d'outillage fabriqués en France. Il est donc allé trouver les représentants d'une grande société française, et nous l'avons accompagnée. Ces derniers nous ont fait savoir qu'il fallait obtenir l'autorisation d'une certaine banque. Nous y fûmes donc. On nous a appris qu'il fallait obtenir l'approbation du gouvernement français. Le banquier, le commanditaire, et moi dans leurs foulées, nous avons donc rattrapés.

Savez-vous que le gouvernement français a consenti à garantir chaque dollar de cette affaire, pour une période variant entre 8 et 10 ans? Il s'agissait d'une somme atteignant 80 millions de dollars! C'était les crédits dont avait besoin l'exportateur, en l'occurrence la fabrique, pour l'aider à obtenir la commande, à fournir des emplois, à verser des salaires, bref, à stimuler l'économie française.

Le même état d'esprit règne en Allemagne de l'Ouest. A l'heure actuelle, j'espère attirer à Terre-Neuve une industrie grâce à l'appui des gouvernements de l'Allemagne de l'Ouest, de la Suisse et de l'Autriche, qui se porteront garants, dans ce cas, des crédits à l'exportation.

J'ai délégué quelqu'un aux Etats-Unis, et j'ai constaté qu'à peu près tous les 48 Etats non-insulaires des Etats-Unis consacrent des efforts et des dépenses considérables pour attirer les industries.

C'est tout à fait incroyable. On trouve à Boston une banque qui fait paraître une publication mensuelle donnant les plus récentes nouvelles et annonçant que telle ou telle industrie s'est installée dans tel ou tel Etat, attirée par les stimulants d'ordre industriel et fiscal, qu'on y offrirait. Si le nom de cette banque me revenait en mémoire, je vous le dirais pour que vous puissiez obtenir la publication en question.

Depuis, j'ai entendu parler d'une société commerciale à New York qui publie un bulletin semblable à la revue GCH au Canada. J'y ai adressé une lettre mais je n'ai pas encore reçu de réponse. Cette publication donnerait toutes les dernières nouvelles intéressant le monde de la libre entreprise, annoncerait la fondation de telle ou telle nouvelle industrie, expliquerait de quoi elle retourne, pourquoi elle s'est installée là plutôt qu'ailleurs, ainsi que les moyens qu'emploient divers pays ou diverses régions pour y attirer les industries.

Autrement dit, monsieur le premier ministre, il n'y a pas un seul pays aujourd'hui dans le monde de la libre entreprise -- il n'en va pas de même du bloc communiste, comme nous le savons tous -- il n'y a pas un seul pays, dis-je, qui laisse son expansion économique dépendre du libre jeu des forces du marché, soit des accidents ou des hasards que créent ces forces mêmes.

Tous, sans exception, offrent toutes sortes de mesures de stimulation pour prêter main forte à l'industrie et pour l'attirer dans leurs murs.

Permettez-moi d'illustrer ma pensée par un exemple. Vous avez qu'au Royaume-Uni, chaque employeur sans exception, même la ménagère qui retient les services d'une bonne doit verser un impôt au gouvernement pour chaque employé, qu'il s'agisse d'une bonne, d'un travailleur industriel, etc. Sauf erreur, l'employeur ordinaire doit verser au gouvernement britannique environ 20 shillings par semaine par travailleur (12 shillings par employé du sexe féminin). Il va sans dire que cela rapporte au gouvernement des millions de livres. Et savez-vous ce qu'il en fait? Il distribue ces recettes fiscales sous forme de don aux industries qui sont établies ou qui vont

analogues se sont faits sentir dans d'autres régions du Canada en même temps mais pas de façon aussi marquée. Nous avons donc aujourd'hui en Amérique du Nord un vaste empire industriel qui n'est autre que l'Ontario.

Les Canadiens devraient y voir un motif de fierté. Nous devrions nous réjouir de cet état de choses. Mais l'Ontario n'est pas la seule province de cet ordre. Toutes les provinces ont bénéficié de cette expansion industrielle, sauf peut-être l'Île-du-Prince-Édouard -- je dis peut-être, car je n'en suis pas sûr, mais je pense qu'on en a profité aussi un peu -- et peut-être la Colombie-Britannique.

J'ai posé la question au premier ministre de cette province hier. Il m'a répondu: "Non, non. Les industries font la queue à notre porte." Evidemment, je paraphrase ses propos.

L'HONORABLE W.A.C. BENNETT: Non, non.

L'HONORABLE J.R. SMALLWOOD: Permettez-moi d'employer mes propres expressions pour décrire l'impression que vous m'avez donnée. Il m'a dit: "Elles font la queue à notre porte, mais nous leur demandons de rester sagement dans la file, de ne pas se pousser, et d'entrer quand vient leur tour. Nous étudions leurs demandes en temps et lieu." La marée des industries envahit la Colombie-Britannique, et je m'en réjouis parce que je songe à la péréquation. Je me réjouis de constater l'essor incroyable de ces deux grandes provinces.

J'ai téléphoné au Haut Commissaire de la Grande-Bretagne, à l'ambassadeur de France, à celui d'Allemagne de l'Ouest, d'Italie, et plusieurs autres pays d'Europe qui ont des ambassades à Ottawa. Je leur ai téléphoné les uns après les autres. Je leur ai demandé l'autorisation d'envoyer quelqu'un discuter avec eux des efforts que déploient leurs pays pour y attirer des industries. Ils ont acquiescé à ma requête.

J'y ai envoyé mon représentant et il m'a fait rapport en conséquence.

J'ai envoyé quelqu'un en Amérique centrale et dans les Caraïbes, qui m'a remis un rapport écrit sur ce que font ces pays, ces colonies et ces îles pour attirer les industriels.

être une colonie canadienne, et encore moins un ghetto canadien. Nous apprécions donc fort la proposition formulée par monsieur Robarts il y a environ un an.

Monsieur le premier ministre, j'ai demandé il y a quelques mois à un haut fonctionnaire de notre ministère des Finances de voyager à travers le Canada pour y rencontrer les premiers ministres provinciaux et leurs ministres de l'Economie, du Commerce ou de l'Industrie -- quelque soit le titre en usage --, et me faire rapport de ce que fait chaque gouvernement pour attirer l'industrie dans sa province.

Cela m'a vraiment ouvert les yeux. Ma première surprise a été de constater que presque toutes les provinces du Canada font des efforts inouïs pour attirer l'industrie chez-elles. Et par "efforts inouïs", je veux dire des efforts d'ordre financier, des prêts, des avances, des subventions, sous forme de propriété foncière, de liquidités, de bâtiments, de matériel. Cela a été ma première source d'étonnement.

Ma deuxième surprise a été d'apprendre que la province qui déploie le plus d'efforts en ce sens, c'est précisément celle qui semble en avoir le moins besoin: le grand centre industriel de notre pays, la province de l'Ontario.

Si vous voulez mettre sur pied une industrie au Canada, allez d'abord vous aboucher avec le premier ministre de l'Ontario, car vous recevrez de lui et de ses fonctionnaires plus d'assistance, plus d'encouragement, plus de conseils pratiques que dans toute autre province. Ce fait est un secret de polichinelle à Terre-Neuve.

De fait, si vous remontez le cours du temps jusqu'à la veille de la première Grande Guerre -- ce n'est pas jusqu'au déluge! -- il n'y avait pas tellement de différence à cette époque entre l'Ontario et les huit autres provinces du Canada. La différence n'était pas considérable. C'est la première Grande Guerre qui a fait de l'Ontario une puissance industrielle.

La province de l'Ontario a eu un début retentissant à la fin de la guerre. Puis vint la dépression, et lorsqu'elle prit fin, un nouveau remous de croissance secoua le Canada de part en part. Il y eut ensuite la deuxième Grande Guerre, qui catapulta l'économie industrielle de l'Ontario vers de nouvelles cimes. Des effets

pouvoir entreprendre cette oeuvre conjointe, fruit des négociations qui ont eu lieu entre le gouvernement fédéral et le Manitoba.

S'il y a véritablement consultation, s'il y a la nécessité et le désir de faire quelque chose, je ne pense pas que les provinces vous reprochent d'augmenter les impôts si c'est de cette façon qu'il faut obtenir le revenu requis. Mais il faut être sûr que le partenaire sera en mesure d'avancer sa quote-part.

L'HONORABLE J.R. SMALLWOOD: Monsieur le premier ministre?

LE TRÈS HONORABLE P.E. TRUDEAU: Oui, monsieur le premier ministre Smallwood.

L'HONORABLE J.R. SMALLWOOD: En commençant mon exposé sur le problème des disparités régionales, je tiens à l'instar de monsieur Robichaud, à rendre hommage au premier ministre de l'Ontario, monsieur Robarts. Je n'ai pas oublié qu'à la grande conférence qu'il avait organisée à Toronto, ou à peu près à la même date, il a proposé qu'on mette de côté une somme qui semblait énorme, soit mille millions de dollars, un milliard de dollars, pour l'expansion économique des quatre provinces de l'Atlantique.

C'était une pensée généreuse et courtoise. La somme évoquée n'était pas suffisante, mais, émanant de la province la plus riche du Canada, la pensée s'inspirait de la plus grande bienveillance. Je ne l'ai pas oublié et je reconnais, avec le premier ministre Robichaud, que monsieur Robarts voit d'un oeil favorable -- ou du moins qu'il ne fronce pas les sourcils, pourvu que cela ne coûte pas trop cher à l'Ontario -- la thèse selon laquelle le Canada, le Parlement du Canada, et le gouvernement du Canada doivent déployer encore plus d'efforts que dans le passé pour aider ces quatre provinces à développer leur propre économie, pour qu'elles soient plus que les ghettos du pays, et surtout plus que les colonies pauvres du Canada.

Soit dit en passant, Terre-Neuve était une colonie jusqu'à il y a vingt ans. Le 31 mars prochain, peu avant le coup de minuit, il y aura exactement vingt ans que nous aurons cessé d'être une colonie. Nous avons eu le statut colonial pendant près de cinq cents ans, nous le savons tous et cela ne nous plaît guère. Nous ne voulons pas revenir à l'état de colonie, nous ne voulons pas non plus

L'HONORABLE W. WEIR: Je vous ai demandé de nous consulter.

LE TRÈS HONORABLE P.E. TRUDEAU: Vous ne nous consultez pas lorsque vous-même ou les municipalités augmentent les impôts fonciers.

L'HONORABLE W. WEIR: Il ne nous sert à rien de continuer à discuter. J'ai présenté ma requête et je pense bien que la population du Canada a entendu la réponse.

LE TRÈS HONORABLE P.E. TRUDEAU: Moi aussi, j'ai présenté la mienne, et je l'adresse à toutes les provinces. J'estime que nous pouvons procéder par voie de consultation, comme il ressort de nos délibérations d'hier. Je ne veux pas qu'on ait l'impression, à l'issue de la Conférence, que nous sommes les coupables chaque fois que nous augmentons les impôts.

Les provinces haussent leurs impôts. Les représentants de certaines provinces plus pauvres nous ont bien dit qu'ils les avaient portés à un niveau supérieur à celui qu'appliquent les provinces plus riches. On ne nous a pas consulté chaque fois qu'on l'a fait. Voulait-on arracher la promesse que nous ne changerons pas notre budget sans consulter au préalable les provinces, je ne pense pas que cela soit juste.

Nous sommes prêts à nous pencher sur la question fondamentale et à voir comment nous pouvons venir en aide aux provinces. Mais si vous déclarez, monsieur le premier ministre Weir, que le programme "Interlake", réalisé grâce au pouvoir de dépenser du gouvernement fédéral est excellent, vous reconnaissez, d'une part, que le fait que le gouvernement fédéral puisse vous aider à mettre en valeur une région défavorisée de votre province est une bonne chose et vous devez reconnaître, d'autre part, qu'il en va de même pour les autres provinces. Pour vous aider à entreprendre ce genre de programme de mise en valeur dans votre province, nous devons imposer les provinces plus riches.

L'HONORABLE W. WEIR: Vous venez de résumer l'essentiel de ma requête. Il faut que les programmes soient judicieux aux yeux des deux. Dans le cas du programme FEDER, la province du Manitoba a dû modifier plusieurs de ses priorités afin de se conformer aux conditions de la participation décennale d'Ottawa. Il nous a fallu modifier nos priorités au chapitre de l'aménagement des routes et de la régulation des cours d'eau, par exemple, pour

LE TRÈS HONORABLE P.E. TRUDEAU: Vous avez dit que nous ne devrions pas augmenter...

L'HONORABLE W. WEIR: Les impôts dans le domaine fiscal que nous détenons conjointement.

LE TRÈS HONORABLE P.E. TRUDEAU: Eh bien, quel autre...

L'HONORABLE W. WEIR: C'est le seul domaine fiscal dont nous disposons.

LE TRÈS HONORABLE P.E. TRUDEAU: Et que dire de la taxe foncière?

L'HONORABLE W. WEIR: L'impôt foncier relève des municipalités et n'est vraiment pas de notre ressort, à moins que nous ne modifions nos lois.

LE TRÈS HONORABLE P.E. TRUDEAU: Je doute fort que les municipalités ne relèvent pas de votre compétence, monsieur le premier ministre Weir.

L'HONORABLE W. WEIR: Aux termes de nos lois, les municipalités sont seules responsables de leurs propres services. Nous pouvons évidemment leur enlever ce droit et prendre en charge l'administration municipale. Mais là n'est pas la solution, je pense.

Dites vous qu'il faudrait, pour régler le problème fiscal du gouvernement fédéral, refiler le déficit aux municipalités?

LE TRÈS HONORABLE P.E. TRUDEAU: Non, monsieur le premier ministre Weir. Je dis simplement que si vous nous demandez de n'augmenter nos impôts dans aucun des domaines que nous partageons avec les provinces, les provinces devraient, je suppose, promettre de n'augmenter aucun impôt elles non plus...

L'HONORABLE W. WEIR: Monsieur le premier ministre, ce n'est pas du tout ce que je vous ai demandé. Je vous ai demandé...

LE TRÈS HONORABLE P.E. TRUDEAU: C'est bien cela que j'ai compris.

Pour mener à bien ce genre de programme et réaliser la pleine expansion économique régionale, nécessaire à la réalisation de nos objectifs économiques d'intérêt national, les provinces doivent disposer des moyens financiers requis. Voilà surtout ce qui me préoccupe en ce moment.

Le problème des relations fédérales-provinciales m'inquiète fort. Récemment, dans le cas de l'assurance-santé par exemple, le gouvernement national a forcé les gouvernements provinciaux à adhérer à des programmes qu'ils ne jugent pas aussi prioritaires que d'autres pour leurs régions.

Nous reconnaissons que d'importants investissements s'imposent pour les routes, les communications, l'éducation, la formation et la main d'œuvre dans une région comme le nord du Manitoba, mais il ne nous reste pas suffisamment d'argent en caisse parce que le gouvernement fédéral nous assujettit à ses politiques fiscales.

Nous avons déjà beaucoup parlé du problème de l'expansion régionale. Jusqu'à ce que nous ayons une version nouvelle ou révisée de la constitution, dans quelques années, il est manifeste que nous devons disposer des ressources fiscales requises pour remplir les obligations que nous avons actuellement la constitution. À cet égard, je vous ai instamment prié hier d'annoncer à la population canadienne que vous alliez cesser de jouer à saute-mouton dans le champ des programmes conjoints coûteux. Je vous ai demandé d'annoncer que votre gouvernement n'augmentera pas les impôts dans le domaine fiscal que nous détenons conjointement - et je souligne le mot conjointement-, qu'il ne présentera pas de nouveaux programmes à frais partagés, qu'il n'abandonnera pas ni ne réduira ceux qui existent présentement sans avoir au préalable obtenu un degré raisonnable d'assentiment par voie de consultation avec les provinces.

Je crains un peu pour le sort du contribuable canadien, et je vous invite donc à lui fournir cette assurance et à le faire sur le champ.

LE TRÈS HONORABLE P.E. TRUDEAU: Etes-vous disposé à fournir la même assurance, soit que vous n'augmenterez les impôts dans aucun domaine, vous non plus?

L'HONORABLE W.WEIR: Non, monsieur le premier ministre, ce n'est pas cette assurance que je cherche à obtenir.

des artisans du projet de chemin de fer à cette époque, c'était de faire en sorte que la région centrale du Canada ait accès au reste du pays en vue d'assurer sa propre mise en valeur. Et ce motif me semble parfaitement justifiable.

La province du Manitoba s'intéresse vivement à l'expansion économique régionale. À preuve, nous avons déployé bien des efforts en vue de réaliser cette expansion à l'intérieur de nos frontières.

Afin d'assurer l'expansion régionale maximum, nous nous sommes sérieusement occupés des problèmes économiques des sous-régions.

Permettez-moi de résumer en quelques mots notre théorie d'expansion économique régionale: c'est un programme destiné à assurer au Manitobains le revenu maximum, afin qu'ils puissent contribuer le plus possible à la croissance économique du Canada.

Il se fait du travail en ce moment au Manitoba dans le cadre du programme fédéral-provincial FEDER, qui vise la région des lacs. C'est le programme le plus complet qu'on ait entrepris jusqu'ici au Manitoba, et peut-être même au Canada, en vue de l'expansion économique d'une sous-région. Alors que les relations fédérales-provinciales sont plutôt tendues, cette initiative est une accalmie fort rafraîchissante.

Nous participons sérieusement à ce programme conjoint au niveau de la planification, de la programmation et du financement, résultant en un accord d'une durée de dix ans signé entre les deux gouvernements, en vertu duquel nous avons promis aux citoyens de la région des lacs de conjurer nos efforts aux leurs pour attaquer sur tous les fronts le problème de l'expansion économique.

On reconnaît que la création d'emplois est tributaire dans une large mesure du développement de l'industrie, mais que l'expansion économique régionale a des assises beaucoup plus larges puisqu'elle englobe les routes, les écoles, les ressources primaires, le développement industriel, l'approvisionnement en eau, les systèmes d'égouts, la santé et les services sociaux. Ainsi, les routes que nous construisons peuvent avoir de profonds retentissements sur la croissance économique d'une région ou d'une province.

L'expression "disparités régionales" n'est pas sans créer une certaine confusion.

Cette confusion se manifeste chez les représentants élus, chez les citoyens et chez les fonctionnaires. Elle existe parce que l'expression "disparités régionales" correspond, non pas à un concept positif, mais à un concept négatif. C'est plutôt de l'expansion économique régionale qu'il s'agit, et je suis d'avis que nous devrions nommer les choses par leur nom.

Après y avoir longuement réfléchi, j'ai conclu qu'il est impossible de bien définir les disparités régionales.

Par contre, dans un contexte national, l'expansion économique régionale me rappelle simplement que nous devons nous efforcer de mener à bien au Canada un programme d'expansion économique.

L'expansion économique régionale donne lieu à des objectifs d'intérêt national et d'intérêt provincial. Les objectifs d'expansion économique nationale au Canada ne peuvent être que la résultante d'un programme équilibré de croissance économique dans les dix régions du pays, soit les dix provinces.

Le gouvernement du Canada a été fortement enclin à élaborer ses lignes de conduite en supposant que l'expansion économique nationale s'accélérerait d'autant plus que ses efforts seraient concentrés dans la région du "Fer à cheval doré" du centre du Canada et, dans une certaine mesure, dans les villes de Montréal et de Vancouver. S'il ne le pensait pas, il a fait comme s'il le pensait, et les résultats sont là pour le prouver.

L'idée de l'expansion économique n'est certes pas nouvelle au Canada. Sir John A. Macdonald, un des Pères de la Confédération, songeait à l'expansion économique régionale lorsqu'il a fait aménager une ligne de chemin de fer à travers tout le pays. On lui aurait attribué ces paroles: "Tant que le chemin de fer n'aura pas été construit d'un bout à l'autre du pays, on ne pourra fonder trop d'espoirs sur le Canada."

Sans vouloir manquer de respect à la mémoire de Sir John A. Macdonald, qui a joué un rôle de premier plan dans l'édification de notre pays, je ne serais pas étonné si les historiens reconnaissaient que le principal motif

Ce n'est qu'une suggestion. Cependant je pense à son utilité et à sa signification, non seulement pour les réunions ultérieures de cette Conférence, mais également pour les réunions ultérieures des ministres provinciaux de l'Éducation. Il leur suffira de se rendre dans une salle centrale de leur capitale pour parler instantanément avec le gouvernement fédéral et les ministres responsables à Ottawa.

En conclusion, monsieur le président, je me permet-trai de dire que je suis cependant satisfait, sur la base de mes entretiens très récents avec votre ministre des Forêts et du Développement rural, l'honorable Jean Marchand. Je suis certain que le Canada et la province de l'Île-du-Prince-Édouard pourront très bientôt, et après cinq ans de recherches, d'études et de négociations, inaugurer un programme conjoint d'importance pour le développement de la province de l'Île-du-Prince-Édouard. Monsieur le premier ministre, pour moi cela représente un aboutissement significatif à nos efforts communs pour résoudre les disparités régionales, dans la mesure où elles touchent la province de l'Île-du-Prince-Édouard.

Merci.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Campbell.

Monsieur Weir?

L'HONORABLE W. WEIR: Monsieur le premier ministre, je voudrais tout d'abord m'associer aux principes qui ont été exprimés par nos collègues des provinces de l'Ouest. Monsieur le premier ministre, j'ai considérablement réduit mon propos car je sais que le temps passe vite et qu'il nous reste beaucoup à faire.

Je tiens toutefois à faire remarquer que nous devons envisager cette question, non avec pessimisme, mais avec optimisme. Nous ne manquons ni de richesses ni de possibilités au Canada. Nous avons ce qui importe le plus, le potentiel. Ce qu'il nous faut, c'est une mise en valeur ordonnée et progressant à un rythme qui ne dépasse pas nos moyens.

On parle couramment au Canada de disparités régionales au lieu de parler d'expansion économique régionale.

Gouvernement fédéral peut lui fournir pour résoudre ses difficultés.

De plus, lorsque des décisions affectant les provinces sont prises à Ottawa, l'Ile-du-Prince-Edouard est convaincue que le gouvernement du Canada a le devoir et l'obligation d'obtenir d'abord l'avis des provinces et de les consulter.

Cela nous amène à l'autre aspect qui se dégage de cette Conférence. Je suis convaincu, monsieur le premier ministre, que le gouvernement fédéral et l'action du gouvernement fédéral, ne peuvent être suspendues à l'accord de toutes les provinces. Comme l'a dit le premier ministre Robarts hier à cette Conférence, nous ne pouvons pas lier les mains au gouvernement fédéral et entraver sérieusement les initiatives qu'il prendra dans l'intérêt général.

Nous devrions tous rechercher, nous devrions tous être prêts à proposer les mécanismes, les méthodes permettant d'organiser efficacement des discussions significatives avec le gouvernement fédéral. En tant que premier ministre de l'Ile-du-Prince-Edouard, si je n'avais rien d'autre à dire à cette Conférence, j'insisterais très énergiquement auprès de vous en tant que premier ministre pour que vous fassiez participer les premiers ministres provinciaux à ce processus. Monsieur le premier ministre ce sera peut-être aussi une façon très efficace de faire participer tous les Canadiens.

Puisque j'ai proposé une plus grande participation au processus de prise de décision, puis-je me permettre de faire une suggestion, que vous jugerez comme vous l'entendrez? Il me semble, monsieur le premier ministre, que les prolongements de cette Conférence nous obligeront en tant que premiers ministres, à nous réunir dans la Capitale au moins deux ou trois fois encore cette année, de plus, il est possible que les sous-comités doivent se réunir un grand nombre de fois. Cela entraînera beaucoup de voyages, beaucoup de retards afin d'organiser ces réunions et d'arracher les ministres à leurs responsabilités provinciales, qui sont déjà très lourdes.

On pourrait peut-être installer dans chacune des capitales du Canada, y compris Ottawa, un système de télévision en circuit fermé, de façon que les réunions entre le gouvernement fédéral et les représentants provinciaux puissent être organisées presque instantanément.

A la suite de tout ce que j'ai dit et de tout ce que j'ai entendu jusqu'ici, il me faut revenir à vos propres paroles, monsieur le premier ministre, paroles qui ont été prononcées il y a un certain temps déjà. "Si le sous-développement des provinces de l'Atlantique n'est pas supprime, alors l'unité de notre pays sera presque certainement détruite."

Voilà une déclaration qui reconnaît l'essence même de nos difficultés actuelles dans les provinces de l'Atlantique. Mais il s'agit de mots, - mots, bien sûr, qui reconnaissent l'importance vitale de cette question, cependant, le problème ne sera bien entendu pas réglé par des mots seulement.

Je pourrais ajouter, monsieur le président, qu'en plus de ces mots, et qu'en plus du fait que comme premier ministre de tout le Canada vous reconnaissez le problème, il devra y avoir des actions conjointes de gouvernements déterminés aux deux niveaux. Le gouvernement du Canada doit pouvoir attribuer des ressources financières substantielles à la solution du problème des disparités régionales.

Il est également important qu'en ce qui concerne les questions de développement, ainsi qu'en ce qui concerne les questions affectant les provinces, et la fiscalité, et divers autres programmes, y compris ceux de services sociaux, il y ait des consultations significatives. Si un accord ressort de cette Conférence, il semble bien que ce soit la reconnaissance du besoin de consultations significatives entre le gouvernement fédéral et les provinces, pour que la puissance fiscale fédérale n'impose pas certaines décisions aux provinces.

Je pense, par exemple, à ce que quelqu'un m'a dit. Le gouvernement fédéral était en train de négocier avec l'Alberta afin de mettre au point un programme de développement pour une région de cette province. Je ne suis pas certain que cela soit vrai, cependant il paraît que le gouvernement fédéral, qui devait financer une bonne partie de ce programme, aurait fait savoir qu'il avait l'intention de faire ceci et cela, selon certaines conditions.

L'Alberta est dans une situation qui lui permet de répondre au gouvernement fédéral: "Si c'est ce que vous voulez faire, alors nous agirons seuls." L'Ile-du-Prince-Edouard n'est pas dans une telle situation. L'Ile-du-Prince-Edouard a besoin des ressources fiscales que le

Nous nous souvenons des difficultés très sérieuses qu'ont éprouvées certaines provinces de l'Ouest pendant les années 30. Nous nous souvenons de 1934, année où nous avons eu l'occasion d'envoyer des secours à la Saskatchewan en raison de la sécheresse.

L'HONORABLE D.G. STEUART: Des pommes sèches!

L'HONORABLE A.B. CAMPBELL: La Saskatchewan a pu s'en sortir. La Saskatchewan a pu trouver des capitaux s'investir. La Saskatchewan a pu développer ses ressources. Et aujourd'hui, la Saskatchewan est une des grandes provinces du Canada et une des plus riches.

Nous espérons obtenir la réciprocité, grâce à la péréquation et grâce à d'autres programmes dont je parlerai dans quelques instants.

Monsieur le président, il est également bon que nous fassions remarquer que depuis un certain temps déjà tous les gouvernements, à tous les niveaux, sont d'accord sur le fait que nous devons attaquer de front le problème des disparités régionales dans les provinces de l'Atlantique. Tous les gouvernements, à tous les niveaux, sont d'accord sur le fait que l'écart doit être supprimé, d'ailleurs diverses mesures et diverses tentatives ont vu le jour - vastes programmes, subventions, primes de déplacement. Mais tout cela n'a servi à rien. Malgré tout ce que l'on a fait, on n'a pas trouvé de solution à nos difficultés.

Monsieur le premier ministre, je crois que nous pouvons également ajouter une autre incidence des disparités régionales. Nous éprouvons vraiment un sentiment d'aliénation, lorsque nous constatons, nous des Maritimes, la priorité qui est accordée aux grandes entreprises nationales, et lorsque nous examinons nos propres besoins. Cela entraîne une certaine forme d'aliénation, laquelle n'est pas désirée par notre pays, et que nous ne pouvons tolérer si nous voulons avoir un pays uni. Nous ne voulons pas et nous n'avons pas besoin de doutes ou de soupçons.

En résumé, monsieur le président, nous en concluons que le Canada et la Confédération n'ont pas réussi à résoudre le problème des disparités régionales. Et maintenant nous manquons de temps. Maintenant nous manquons de temps, tout particulièrement dans la province que j'ai l'honneur de représenter à cette Conférence.

l'augmentation constante de leurs dépenses.

J'ai pensé, monsieur le premier ministre, que les provinces de l'Ouest en sont maintenant arrivées à la situation dans laquelle nous trouvons dans les provinces de l'Atlantique il y a 25 ans. Les difficultés financières des provinces de l'Ouest, et même des provinces du Centre du pays, ont été aggravées au cours de ces dernières années par l'augmentation des frais d'éducation et des services sociaux que notre pays essaie d'offrir aux Canadiens d'un océan à l'autre.

Lorsque nous sommes arrivés à cette situation, il y a 25 ans, dans les provinces de l'Atlantique, nous avons adopté la seule solution possible. Nous avons commencé à avoir des budgets déficitaires. Nous avons imposé nos gens dans toute la mesure du possible. Et nous avons entrepris ces périples annuels que constituaient les conférences fiscales, où un premier ministre après l'autre, une année après l'autre, venait taper sur la table à Ottawa pour obtenir la péréquation, ce qui donnait à penser au reste du Canada que les provinces de l'Atlantique revenaient une fois de plus, le chapeau à la main, pour obtenir des sommes supplémentaires.

Nous pouvons voir quel est le danger qui menace nos amis de l'Ouest. Nous pouvons voir les dangers très réels qu'il y aurait aussi bien pour le gouvernement fédéral que pour les gouvernements provinciaux à dépenser trop d'argent ou à financer trop de programmes.

C'est bien entendu ce qui s'est produit dans l'Est, dans les provinces de l'Atlantique. Je vais d'ailleurs vous donner un aperçu de ce que je pense des disparités régionales.

Il est certain que les provinces de l'Atlantique n'ont pas pu améliorer leur position relativement au reste du Canada. Comme l'a dit le premier ministre Smallwood hier, nous avons réussi à réduire la différence. Cependant, nous n'en avons pas fait suffisamment pour supprimer cette différence.

Deuxièmement, les disparités dont nous parlons existent depuis des générations, contrairement aux difficultés actuelles des provinces de l'Ouest qui sont beaucoup plus récentes.

Mon collaborateur ici aujourd'hui est un ancien premier ministre de l'Île-du-Prince-Édouard qui a lui-même obtenu des assurances du gouvernement du Canada, donc du peuple du Canada, d'après lesquelles cette chaussee serait construite. D'ailleurs, j'ai moi-même reçu de vos prédécesseurs au pouvoir, monsieur le premier ministre, des assurances très nettes et très précises d'après lesquelles ce projet promis et attendu depuis si longtemps serait en fait réalisé.

Lorsque vous prendrez votre décision, monsieur le premier ministre, il serait sans doute bon que vous sachiez exactement quels sont les dangers d'une politique à court terme qui permettrait peut-être d'économiser quelques dollars d'impôts aux Canadiens. D'après mes tous derniers renseignements, ces derniers sont d'ailleurs basés sur des recherches très approfondies, le coût de la chaussee de l'Île-du-Prince-Édouard, serait de l'ordre de 160 millions de dollars. Cependant, permettez-moi de vous rappeler ce qu'il en coûterait de maintenir pendant les 60 prochaines années le service de traversiers qui existe entre le Nouveau-Brunswick et l'Île-du-Prince-Édouard. Cela coûterait près d'un milliard de dollars.

Je suis convaincu que les Canadiens méritent qu'on leur dise quelles sont les implications à long terme, et qu'on leur dise également qu'il ne s'agit absolument pas d'une aumône à faire à l'Île-du-Prince-Édouard. Ce n'est pas un os qu'on donne à croquer à la plus petite province du Canada, mais c'est une liaison de grande importance et de grande signification pour l'Île-du-Prince-Édouard, et à long terme elle permettra d'économiser beaucoup d'argent aux contribuables du Canada. Les habitants de l'Île-du-Prince-Édouard considéreront que si on ne leur offre pas un tel ouvrage, et rien de moins qu'un tel ouvrage, ils auront été victimes d'un vol de grand chemin.

Monsieur le président, je désire maintenant consacrer quelques instants à des questions qui ont un certain rapport avec les disparités régionales et qui se sont dégagées à la suite de nos délibérations de ces deux derniers jours.

Nous avons remarqué, d'après des communiqués de presse, que les provinces de l'Ouest ont l'intention d'organiser une marche sur Ottawa et d'exiger un meilleur partage fiscal et plus d'argent afin de faire face à

Je vous remercie beaucoup.

LE TRÈS HONORABLE P. F. TRUDEAU: Merci beaucoup, Monsieur Robichaud.

L'HONORABLE A. B. CAMPBELL: Je voudrais prendre la parole et compléter ce qu'a dit avec la plus grande éloquence mon collègue du Nouveau-Brunswick.

Il est certain qu'il s'agit ici d'un problème national. C'est une question qui préoccupe tout le pays. D'ailleurs, la suppression des disparités régionales au Canada, particulièrement de celles qui existent dans les provinces de l'Atlantique, a été absolument reconnue la Conférence constitutionnelle, comme l'une de nos plus graves préoccupations. Nous ne pouvons d'ailleurs pas nous permettre d'oublier à quel point il est capital de supprimer ces disparités car des dangers très réels nous menacent si nous n'y arrivons pas.

Monsieur le président, permettez-moi tout de suite de rappeler des mots de mon excellent ami le premier ministre de l'Ontario, qui vous a dit hier que vous pourriez oublier tout ce qui s'est passé avant le 25 juin. Bien entendu, l'Ile-du-Prince-Edouard n'accepte absolument pas cette suggestion et dès le début de mon intervention, monsieur le président, permettez-moi d'attirer votre attention et l'attention du gouvernement du Canada sur les conditions de l'union aux termes de laquelle l'Ile-du-Prince-Edouard est devenue une province de notre grand pays.

En 1873, le gouvernement du Canada a assuré l'Ile-du-Prince-Edouard que désormais le gouvernement fédéral accepterait l'entière responsabilité des services de transport permanents entre l'Ile-du-Prince-Edouard et le Continent. Depuis, diverses réalisations ont permis, avec plus ou moins de succès, d'assurer un service de transport et de communications entre l'Ile-du-Prince-Edouard et le Continent.

Il est évident, monsieur le premier ministre, que je fais maintenant allusion au projet de chaussée jusqu'à l'Ile-du-Prince-Edouard, lequel a fait l'objet de nombreuses promesses aux provinces de l'Atlantique et tout particulièrement à la province de l'Ile-du-Prince-Edouard.

Je crois que c'est le premier ministre Smith qui a dit lundi que nous ne voulons pas un niveau de vie plus élevé, ou même égal à celui des Canadiens du Centre du pays, car nous sommes très heureux avec notre climat et parce que nous sommes au bord de la mer. Vivre dans les provinces de l'Atlantique représente beaucoup d'avantages pour nous, cependant nous ne devons pas être tellement en retard sur le niveau national. Monsieur le premier ministre, comme je l'ai dit beaucoup de gens ont exposé ce problème avec éloquence mais je ne crois pas que quiconque l'ait exposé avec autant de fermeté et avec autant d'éloquence que vous, au cours de la dernière campagne électorale lorsque, d'un bout à l'autre de notre pays, vous avez insisté sur l'élimination des disparités régionales. Je sais que vous avez l'intention de faire quelque chose. Je sais que vous... vous êtes très sincère à cet égard.

Vous avez créé ce ministère du Développement économique, du Développement régional, avec M. Marchand.

Nous espérons beaucoup que ce sera vraiment un ministère qui aidera la région de l'Atlantique. Pas seulement la région de l'Atlantique, car il y a d'autres régions du Canada qui ont besoin de ce ministère du Développement économique régional.

Nous aimerions être consultés quant à tout ce qui sera fait afin de nous aider à atteindre le niveau national ou à nous en rapprocher.

Monsieur Donahoe a dit cela de façon extrêmement claire il y a quelques instants, lorsqu'il a déclaré que nous devons être consultés. Il ne faut pas nous donner un programme tout fait et nous dire que c'est à prendre ou à laisser. Je crois que vous avez de bonnes intentions et je suis convaincu que M. Marchand et que le premier ministre veulent vraiment faire quelque chose pour régler ce problème.

Je répète qu'il est très humiliant d'avoir à revenir chaque année nous adresser aux Canadiens et leur répéter les mêmes arguments à perte de vue.

Je terminerais en disant simplement qu'il faut faire quelque chose de vraiment spectaculaire pour les gens de Joey Smallwood, ceux d'Alex Campbell, ceux de G.I. Smith et ceux de Louis Robichaud. Je sais que vous le pouvez. J'ai de l'espoir.

que nous avons dû garantir à une société de pâte à papier 30 millions pour qu'elle construise un moulin à pâte à papier de 70 acres valant 80 millions de dollars. Nous avons fait cela avec nos ressources limitées.

Naturellement, nous avons un grand nombre d'autres garanties. Mais, afin de permettre à ces compagnies de s'installer et de faire face à la concurrence, et afin de leur éviter de payer des taux d'intérêt exorbitants, le gouvernement, avec ses ressources limitées, a dû agir et garantir ces prêts.

Je me demande pourquoi la banque du développement industriel du Canada ne prête pas à un taux d'intérêt modéré aux compagnies qui souhaitent s'installer dans ces régions qui sont, comme le premier ministre Smallwood l'a dit hier, non des régions "économiquement faibles", mais des régions "défavorisées".

Beaucoup de solutions pourraient être adoptées qui ne seraient pas du simple replâtrage.

Le premier ministre Bennett est prêt à accueillir tous ceux qui s'installent dans sa province, et je le comprends parfaitement.

L'HONORABLE W.A.C. BENNETT: J'ai quitté le Nouveau-Brunswick.

L'HONORABLE L.J. ROBICHAUD: Bien sûr qu'il a quitté le Nouveau-Brunswick. Il a quitté le Nouveau-Brunswick et il est parti pour la Colombie Britannique, c'est ainsi qu'il est devenu extrêmement prospère, c'est d'ailleurs ce que beaucoup de gens ont fait. Il sont partis...

L'HONORABLE J.R. SMALLWOOD: Il s'est arrêté en route en Alberta.

L'HONORABLE L.J. ROBICHAUD: C'est vrai. Il s'est arrêté, il a gagné quelques millions puis il est reparti.

Mais vous savez que nos gens partent parce que les possibilités sont meilleures ailleurs. À moins que nous ne puissions garder nos jeunes et à moins que nous ne puissions exploiter leur intelligence pour améliorer notre économie chez-nous, nous allons continuer à être à la traîne du reste du pays.

dollars de plus que le résident de l'Ontario pour cette voiture, simplement pour l'acheter. Une fois que cette voiture est achetée, nous devons payer des taxes beaucoup plus élevées que le résident de l'Ontario pour utiliser cette voiture.

D'ailleurs, dans un grand nombre de domaines, - permettez-moi d'être direct, - nous sommes l'objet d'une certaine discrimination. Pourquoi, - en raison des problèmes de transport, bien sûr, mais je me demande si l'on ne pourrait pas faire quelque chose de véritablement spectaculaire, et cela tout de suite. Je ne crois pas que nous puissions encore attendre longtemps.

Je ne sais quelle est la solution, mais supposons quelques instants que l'on abolisse les droits de douane entre les Etats-Unis et le Canada, si c'était possible, le long de la frontière Atlantique avec les Etats-Unis, et non avec le reste du Canada, car il n'en ont pas besoin. Si cela était possible, comprenez-vous ce que cela voudrait dire? Cela voudrait dire que chaque résident des provinces de l'Atlantique économiserait environ mille dollars lorsqu'il achèterait une voiture, - mille dollars pour l'achat d'une voiture par citoyen.

Et comme, je pense qu'il doit y avoir grosso modo trois ou quatre mille voitures qui sont achetées chaque année dans les provinces de l'Atlantique et ...

L'HONORABLE J.R. SMALWOOD: Davantage.

L'HONORABLE L.J. ROBICHAUD: Et même supposons que l'on économise mille dollars par voiture, cela représenterait 300 ou 400 millions qui seraient économisés par les résidents des provinces de l'Atlantique et qui pourrait être réinvestis dans la région. Je ne sais pas si c'est faisable. Je ne sais pas si c'est faisable. Je ne sais pas si c'est faisable, cependant voilà une méthode qui pourrait être employée pour améliorer notre situation.

Au Nouveau-Brunswick, par exemple, et on fait la même chose en Nouvelle-Ecosse, dans l'Ile du Prince-Edouard et à Terre-Neuve, avec nos ressources limitées nous devons aider les industries à s'implanter à l'intérieur des limites de notre juridiction. Au Nouveau-Brunswick, avec un peu plus de 600 mille habitants, nous avons dû garantir à une compagnie minière 40 millions de dollars pour qu'elle s'installe chez-nous. Je crois

nation canadienne, et d'avoir l'air de mendiants. Nous ne sommes pas des mendiants. Nous ne voulons pas être des mendiants. Nous voulons simplement notre juste part des richesses de la nation.

Je dois dire que depuis des années notre plaidoyer a été soumis de façon très éloquentes à diverses autorités. Il a été soumis hier avec éloquence par le premier ministre de Terre-Neuve, M. Smallwood. D'ailleurs nous savons tous qu'il a beaucoup d'éloquence et qu'il sait convaincre quand il le veut.

Il y a quelques instants, M. Donahoe a également dit avec beaucoup d'éloquence que nous avons besoin de quelque chose de spectaculaire.

Hier, le premier ministre Smallwood a déclaré que le revenu par tête dans sa province correspond approximativement à la moitié de celui de l'Ontario, et cela est vrai, mais il ne nous a pas tout dit. Il aurait pu en dire davantage. Le revenu par tête des habitants, des travailleurs, de tout le monde dans les provinces de l'Atlantique correspond à la moitié de celui de l'Ontario alors que nos impôts sont deux fois plus élevés qu'en Ontario.

Eh bien, nous sommes des Canadiens et nous désirons rester des Canadiens, et depuis des années cette situation existe.

Peut-être n'y a-t-il jamais eu un premier ministre de l'Ontario qui ait manifesté autant de compréhension pour nos problèmes que le premier ministre Roberts. Il désire s'attaquer à ces problèmes. Il désire trouver une formule et nous en avons trouvé certaines avec la formule de péréquation, ainsi que certains organismes tel que le FRPD, l'ARDA et le Programme de développement hydro-électrique.

A mon avis, c'est du replâtrage. Cependant je voudrais en revenir à ce que je disais. Nos impôts sont deux fois plus élevés que l'Ontario. En fait, les taxes municipales et les impôts provinciaux sont deux fois plus élevés. Et ce n'est pas tout. Par exemple, nous achetons une voiture dans les provinces de l'Atlantique. Tout le monde a une voiture. C'est une des nécessités de l'existence. Nous achetons une voiture qui est fabriquée en Ontario. Nous payons 300 ou 400

d'Etat. En effet, nous ne devrions pas permettre que cette question soit déléguée à un comité de fonctionnaires, qui aurait peut-être la possibilité de la considérer simplement comme une question parmi tant d'autres. Autrement dit, nous sommes convaincus que la méthode permettant de régler cette question des disparités régionales, de la régler dans le cadre de la constitution, a une importance si grande que la solution adoptée devrait tenir compte de cette importance.

Merci.

LE TRÈS HONORABLE P.F. TRUDEAU: Merci beaucoup, monsieur Donahoe.

L'HONORABLE L.J. ROBICHAUD: Monsieur le premier ministre...

LE TRÈS HONORABLE P.F. TRUDEAU: Monsieur Robichaud?

L'HONORABLE L.J. ROBICHAUD: J'ai un texte à lire mais je pourrais peut-être m'abstenir afin de gagner du temps.

Je devrais peut-être vous remercier, monsieur le premier ministre, ainsi que tous les autres premiers ministres, pour l'intérêt dont vous avez fait preuve à l'endroit de l'économie de la région de l'Atlantique, puisque vous avez permis que ce point se rapportant aux disparités régionales figure à l'Ordre du jour de cette Conférence.

Depuis des années, vous tous des autres régions du pays, vous avez entendu parler de ce problème des disparités économiques au Canada, problème qui nous affecte sans doute plus que tout autre région au pays.

Depuis des années, nous prétendons qu'il faut faire quelque chose de spectaculaire afin d'alléger le fardeau des habitants de la région de l'Atlantique.

Depuis des années, une succession de gouvernements et de Canadiens nous on écoutés d'une oreille compréhensive et depuis des années on a fait toutes sortes de travaux de replâtrage, si vous me permettez l'expression.

Il est tout à fait humiliant pour nous de nous présenter devant cette auguste assemblée et devant la

a souvent adopté une politique qui a été manifestement régionale dans ses intentions ou dans ses résultats, ou dans les deux.

Maintenant, nous déclarons tout simplement que ce principe doit être reconnu dans la constitution, nouvelle ou modifiée. Nous déclarons de plus qu'il n'y a pas de question plus importante dans le cadre de cette révision de la constitution.

Monsieur le président, la Nouvelle-Ecosse propose que la constitution renferme les dispositions suivantes se rapportant au problème des disparités économiques régionales:

Nous pensons que le principe de la péréquation et la formule la définissant devraient figurer dans la constitution. Il ne devrait pas être nécessaire de revenir de temps à autre discuter et marchander la péréquation. La constitution devrait comporter une formule de péréquation complète.

La constitution devrait également comporter une disposition d'après laquelle le gouvernement fédéral doit appliquer sa politique fiscale, monétaire et économique en tenant compte de l'effet probable de chacun de ces éléments sur chaque région et d'une façon aussi avantageuse que possible pour la croissance de chaque région, conformément à l'objectif global de cette politique.

Autrement dit, la constitution doit reconnaître clairement le principe d'après lequel les éléments de la politique nationale peuvent et doivent souvent être appliqués avec des différences régionales correspondant aux conditions différentes de chaque région.

La constitution devrait également porter que le gouvernement central a la responsabilité, en consultation avec les régions concernées, d'établir une politique positive et raisonnable afin d'assurer un développement économique plus équilibré dans les différentes régions.

Nous sommes convaincus que cette question des disparités régionales et de la façon dont il faut la traiter dans la constitution, est d'une importance tellement capitale que nous devrions la renvoyer à un Comité composé de ministres ou même, peut-être, serait-il préférable qu'elle soit réglée par un comité composé de chefs

canadienne grâce à une protection tarifaire, que cela ait été l'objectif visé ou non, a eu des résultats régionaux. En effet, elle a concentré la plus grande partie de notre industrie dans une région. Nous n'avons pas critiqué et nous ne critiquons toujours pas cette politique. Nous faisons simplement remarquer qu'elle a eu ces résultats. Nous avons admis qu'elle était bonne pour l'ensemble du Canada, même si elle favorisait certaines régions beaucoup plus que d'autres.

Je voudrais attirer votre attention sur une autre politique de grande envergure nettement régionale, qui a été extrêmement avantageuse pour la région du pays dont le développement est le plus rapide. C'est une excellente politique pour cette région. Elle est certainement excellente pour l'ensemble du Canada quoi qu'elle ait eu un effet négatif très grave sur d'autres régions. Et, une fois de plus, nous ne nous en plaignons pas. Nous la prenons simplement comme un exemple d'une politique régionale. Je veux parler, naturellement, et je suis certain que vous m'avez déjà compris, de la Voie maritime du Saint-Laurent.

C'est une de nos plus vastes entreprises, dans un pays où les vastes entreprises sont nombreuses. Cela a été financé par l'ensemble des Canadiens et le déficit est couvert par l'argent de tous les Canadiens.

Il est certain qu'elle a été très avantageuse pour certaines régions du Canada, pour certains ports canadiens et pour le pays tout entier. Il est également évident qu'elle a eu un effet néfaste sur les ports d'autres régions du Canada. Une fois de plus, je déclare que nous ne nous en plaignons pas. Je déclare également une fois de plus que nous avons ici le résultat d'une politique nettement régionale, bien qu'elle soit à l'avantage de tout le Canada.

Naturellement, il y a d'autres politiques régionales, dont certaines ont eu pour objectif d'aider la région de l'Atlantique.

On peut citer trois exemples: Les anciennes subventions de réajustement de l'Atlantique, la Société de développement du Cap-Breton et l'Office de développement de l'Atlantique. Nous n'hésitons pas à reconnaître leur utilité et nous sommes très satisfaits de leur existence. Il est absolument indiscutable que notre pays

lequel une priorité tout aussi élevée devrait accordée aux problèmes des disparités régionales est fondé sur d'excellentes raisons aussi.

Nous n'envisageons pas ici les modalités détaillées de cette politique, nous voulons rédiger et incorporer à la constitution des dispositions précisant clairement le genre de responsabilités dont je viens de parler.

Nous ferons remarquer une fois de plus que si l'on veut s'attaquer aux problèmes des disparités avec la moindre chance de succès, il faudra adopter une méthode résolument régionale quant à son caractère et massive quant à son envergure. Il n'est plus nécessaire pour nous de dire maintenant qu'il faut s'attaquer à ce problème, cette décision a été prise à la Conférence de février dernier.

Il y a diverses lignes d'action évidentes que le gouvernement fédéral pourrait adopter, sans attendre les modifications de la constitution qui permettraient d'atténuer les disparités régionales.

Les éléments de la politique fédérale de dépense ne doivent pas nécessairement s'appliquer avec la même énergie dans toutes les parties du pays et au même moment. Pendant une période au cours de laquelle il est souhaitable de limiter l'activité économique dans l'ensemble du pays, on pourrait profiter de l'occasion pour augmenter les dépenses de l'Etat dans les régions où l'activité économique était au ralenti. Autrement dit, lorsqu'une période de stabilisation est souhaitable à l'échelle nationale, une certaine politique peut être appliquée aux régions moins prospères afin de leur permettre de rattraper économiquement les régions plus prospères.

Si pendant une telle période de contraction économique que la politique nationale de dépense limitait les régions moins prospères, ces mêmes régions prendraient un retard encore plus grand du point de vue économique, ce qui aggraverait des problèmes qui se manifestent déjà à présent.

Nous souhaitons faire remarquer que les solutions régionales ne représentent rien de nouveau au Canada; elles ont même été appliquées à la région la mieux développée au pays.

En février dernier, nous avons montré comment la politique d'encouragement du développement de l'industrie

ainsi exprimés, - en consultation donc avec les régions intéressées afin d'établir une politique positive, nettement différenciée selon les régions, permettant de réaliser un développement économique régional plus équilibré.

Monsieur le premier ministre, nous avons apprécié votre déclaration à la Chambre des communes du 10 décembre 1968, d'après laquelle la question linguistique menace l'unité de notre pays. Cependant, les disparités économiques représentées également une menace, et tous les gouvernements fédéraux devraient avoir pour objectif de faire justice dans ces deux domaines. D'ailleurs, ils sont l'un et l'autre d'une importance extrême et probablement équivalente.

Nous espérons que le nouveau ministère fédéral appliquera cette politique, et je suis heureux de constater que le ministre responsable de ce ministère est à votre gauche ce matin.

Je tiens à ce qu'il soit parfaitement clair cependant que la Nouvelle-Ecosse est convaincue que les questions de péréquation et de développement régional devront figurer à la constitution, et que si l'on doit rédiger une constitution nouvelle ou modifiée, elle devra tenir compte de ces domaines. Monsieur le président, la Nouvelle-Ecosse veut insister une fois de plus sur le fait que les deux Conférences constitutionnelles précédentes ont reconnu que la question des disparités régionales a une importance primordiale dans nos délibérations sur la constitution. Nous pensons qu'elle doit être étudiée par la Conférence constitutionnelle plutôt que par des organismes mineurs.

De plus, nous prétendons qu'il n'est pas nécessaire que le Gouvernement du Canada attende les modifications constitutionnelles définitives pour adopter des mesures qui réduiront ces disparités régionales.

Il est tout à fait encourageant de constater que le Gouvernement fédéral a créé un nouveau ministère qui est responsable du développement régional, et nous espérons très sincèrement que ce ministère commencera à fonctionner de façon efficace dans un avenir prochain. Plusieurs gouvernements au Canada ont déjà pris des mesures se rapportant aux questions linguistiques. Les raisons pour lesquelles ces gouvernements ont agi dans ce domaine sont bien connues des Canadiens. Notre point de vue d'après

actuelle de péréquation a été adoptée, les représentants fédéraux n'ont pas nié que la formule était incomplète, car elle ne tenait pas compte du facteur municipal. D'ailleurs, à ce moment-là, le ministre des Finances a reconnu, - a reconnu de façon catégorique, - que l'on n'avait pas tenu compte de ces facteurs uniquement parce que cela aurait entraîné des dépenses supérieures à celles qu'il pouvait accepter pour le gouvernement fédéral à l'époque.

En ce qui concerne le second aspect du problème des disparités régionales, le développement économique, nous sommes d'avis que les Canadiens de toutes les régions du pays devraient absolument disposer de possibilités assurant un développement généralisé, ce qui leur permettrait d'atteindre un niveau de vie à peu près comparable aux possibilités et aux normes de la moyenne des Canadiens.

Nous sommes convaincus que cet objectif devrait être reconnu dans la constitution comme un objectif général et obligatoire de la politique fédérale. La constitution devrait également comporter une disposition d'après laquelle le gouvernement fédéral devrait appliquer sa politique fiscale, monétaire et économique, - et je dis cela tout à fait sérieusement - en tenant compte de l'effet probable de chaque élément de cette politique sur chaque région du pays, et qu'il devrait l'appliquer d'une façon aussi peu défavorable que possible à la croissance de chaque région, tout en préservant l'objectif global de cette politique.

Pour répéter la même chose sous une autre forme disons que la constitution devrait clairement reconnaître le principe d'après lequel la politique nationale peut et doit souvent être appliquée différemment selon les régions, afin de tenir compte des conditions différentes de chaque région.

La constitution devrait également prévoir que le gouvernement central a la responsabilité de consulter les régions intéressées, et lorsque je parle de consultation, monsieur le premier ministre, je veux parler de ce que j'ai décrit hier, de consultations significatives, et pas simplement de discussions, pas simplement que l'on nous appelle ici pour entendre des ultimatums, mais des discussions significatives dans lesquelles les points de vue de toutes les parties sont étudiés, et où les décisions représentées en fait une réconciliation des points de vue

d'y remédier dans la constitution.

Notre conviction est d'autant plus forte que lors de la dernière Conférence constitutionnelle, lorsque nous avons déterminé les questions qui devaient être étudiées à présente réunion, on a placé sous le titre "Questions constitutionnelles particulières", le point e), Disparités régionales. Ceci montre bien que nous étudions cette questions des disparités régionales du point de vue économique ou fiscal.

Nous ne suggérons nullement que les régions n'ont aucune responsabilité quant à la solution de leurs propres problèmes. Au contraire, nous pensons qu'il est de leur devoir de faire tout ce qu'elles peuvent pour améliorer leur situation, et cela dans toute la mesure ou leurs propres ressources leur permettent. Cependant, nous pensons que la question des disparités régionales et la façon d'y remédier se divisent en deux parties: premièrement, si nous voulons éviter les disparités régionales, nous devons prévoir un système grâce auquel le gouvernement peut offrir des services aux citoyens à un niveau équivalent d'un bout à l'autre du pays. Deuxièmement, le problème des disparités régionales découle de la croissance économique et du développement.

En ce qui concerne la première partie nous sommes d'avis que les Canadiens de toutes les régions du Canada ont le droit de disposer de services publics d'un niveau correspondant à la moyenne nationale, sans que leur fardeau fiscal soit supérieur au fardeau national moyen. Cela nous amène, tout naturellement, au domaine de la péréquation. Nous sommes convaincus que le principe de la péréquation et la formule l'établissant, devraient figurer dans la constitution. On ne devrait pas être obligé de revenir de temps à autre discuter ou marchander la péréquation. Elle ne devrait pas dépendre à certains moments des attitudes ou des caprices d'une administration donnée.

A notre avis, la constitution devrait comprendre une formule de péréquation complète, formule de péréquation qui serait acceptée par tous.

La péréquation complète devrait tenir compte des recettes fiscales municipales possibles, ainsi que des responsabilités en matière de dépenses. La formule actuelle ne tient pas compte de ces facteurs. Lorsque la formule

LE TRÈS HONORABLE P. E. TRUDEAU: C'est bien, en français.
 L'HONORABLE J. J. BERTRAND: Oui. Nous avons la
 version française.

LE TRÈS HONORABLE P. E. TRUDEAU: Si on peut vous aider
 à faire la traduction...

L'HONORABLE J. J. BERTRAND: On peut la traduire, sans
 aucun doute.

LE TRÈS HONORABLE P. E. TRUDEAU: Alors, on serait
 maintenant rendus à l'item 4 (e) "Regional Disparities"-
 les disparités régionales.
 (TRADUCTION)

Je crois que nous sommes d'accord pour demander au
 premier ministre Smith d'ouvrir le débat sur cette question.

L'HONORABLE G. I. SMITH: Avec votre permission,
 M. Donahoe, procureur général et ministre de la Santé,
 discutera cette question de notre part.

L'HONORABLE R. A. DONAHOE: Monsieur le premier

ministre, messieurs, je voudrais commencer par l'obser-
 vation suivante: Dans notre pays, si lorsque nous étudions
 la constitution nous devons travailler ensemble de longues
 heures autour d'une table, et si nous devons être soumis
 toute la journée à des lumières très intenses comme celle-ci
 et en subir la chaleur, il me semble que c'est une question
 que nous pourrions très bien envisager de soumettre à la
 société protectrice des animaux. Celle-ci pourrait alors
 nous faire des recommandations quant aux conditions dans
 lesquelles les Conférences futures devraient avoir lieu.

Ceci dit, je voudrais en revenir à la question que
 vous m'avez demandé de traiter.

Dans la déclaration d'ouverture de la Nouvelle-
 Écosse, nous exposons notre point de vue d'après lequel
 il est important pour le pays tout entier de trouver des
 solutions au problème des disparités régionales. Nous
 avons exprimé notre ferme conviction d'après laquelle
 cette question devrait être réglée par des moyens consti-
 tutionnels et que si ces Conférences aboutissent à
 une constitution nouvelle ou modifiée, il est nécessaire
 de tenir compte des disparités régionales et des moyens

de l'incorporation"?

LE TRÈS HONORABLE P.E. TRUDEAU: L'étude des questions se rapportant à la charte constitutionnelle. Je suis désolé, je croyais que des exemplaires avaient été distribués.

L'HONORABLE L.R. PETERSON: Ce que vous avez lu ne correspond pas au texte dont je dispose.

LE TRÈS HONORABLE P.E. TRUDEAU: Il semble que vous ayez une des premières versions: je m'excuse, c'est moi qui avait une des premières versions. Je me lève trop tôt, je lisais: "la Conférence des premiers ministres fédéral et provinciaux, notant l'acceptation générale, avec certaines réserves, ou l'intérêt général..."

L'HONORABLE L.R. PETERSON: Monsieur le premier ministre, le texte dont je dispose se lit comme suit: "la conférence des premiers ministres fédéral et provinciaux notant les divers points de vue qui ont été exprimés au sujet de la garantie des droits de l'homme, y compris les points de vue soumis au Comité permanent, acceptent la création d'un comité de ministres afin d'étudier toutes les questions se rapportant aux droits fondamentaux de l'homme, y compris la question de l'incorporation de ces droits dans une charte constitutionnelle." Cela nous serait beaucoup plus acceptable.

LE TRÈS HONORABLE P.E. TRUDEAU: Naturellement nous l'acceptons aussi. Nous soulevons une seule question. Ne pourrions-nous pas améliorer l'expression "divers points de vue", en indiquant qu'il y a eu plus que des points de vue, qu'il y a eu un intérêt général. Et je suis d'accord pour déclarer qu'il y a eu des réserves, si vous voulez bien parler d'acceptation.

L'HONORABLE L.R. PETERSON: "Intérêt général" trait très bien. "Points de vue divers et intérêt général." A condition que vous n'employez pas le mot "acceptation".

LE TRÈS HONORABLE P.E. TRUDEAU: C'est le mot "acceptation" que vous n'acceptez pas, n'est-ce pas? Donc, nous écrivons "intérêt général" plutôt que "points de vue divers" d'accord? C'est d'accord. "Divers points de vue et intérêt général." Si nous écrivons "une certaine acceptation", à mon avis nous affaiblissons notre position! Quoi qu'il en soit, nous pouvons supposer que nous aurons la possibilité d'examiner le texte définitif pendant le déjeuner.

je crois sur la question de savoir si nous devons noter les divers points de vue ou noter l'intérêt général ou encore noter l'acceptation générale avec certaines réserves. Je préférerais, bien entendu, cette dernière expression. Cependant peut-être y a-t-il.... Etes-vous d'accord?

L'HONORABLE G. EVANS: Bien entendu, nous préférons de beaucoup l'expression "intérêt général" et qu'à la fin de la déclaration on emploie les termes: "et si ces droits devraient être incorporés à la constitution." Cette question devrait être discutée par les procureurs-généraux.

LE TRÈS HONORABLE P.E. TRUDEAU: Oui. On mentionnerait ensuite toutes les questions y relatives, et en particulier les droits qui devraient être garantis, et s'ils devraient l'être ou non.

L'HONORABLE G. EVANS: S'ils devraient figurer ou non dans une constitution.

LE TRÈS HONORABLE P.E. TRUDEAU: Les droits qui pourraient et non qui "devraient" figurer dans la charte.

L'HONORABLE G. EVANS: Savoir si elles devraient être incorporées à la constitution ou non.

LE TRÈS HONORABLE P.E. TRUDEAU: Et la méthode.

L'HONORABLE L.R. PETERSON: Alors nous pouvons nous mettre d'accord.

LE TRÈS HONORABLE P.E. TRUDEAU: La question de savoir si elle doit être incorporée à la constitution et les méthodes pour y arriver.... Quelque chose comme ça. Je vais essayer de rédiger quelque chose d'acceptable au point de vue linguistique!

Nous sommes d'accord pour qu'un comité soit créé, ce comité étudiera toutes les questions se rapportant à l'incorporation ou à la non-incorporation de cette charte dans la constitution et plus particulièrement les droits devant être mentionnés et les méthodes grâce auxquelles cette charte pourrait être incorporée à la constitution. Très bien.

L'HONORABLE H.E. STROM: Monsieur le premier ministre, est-ce que cela veut dire "y compris la question

la Justice a exposé notre point de vue. Nous pouvons constater que certains acceptent complètement l'idée d'une charte constitutionnelle et que certains ne l'acceptent qu'en partie. L'un d'entre vous a suggéré que nous commençons peut-être par rédiger séparément une charte fédérale et des chartes provinciales qui, on l'espère, pourraient un jour être regroupées.

Il existe un certain désaccord. Cependant je crois qu'il est tout à fait évident que bien des progrès ont été réalisés depuis nos discussions de l'année dernière. Tout le monde est d'avis qu'au lieu de discuter ces désaccords, ces points de friction ici, il serait mieux de renvoyer la question à un comité de procureurs-généraux. J'aimerais accepter la proposition de l'honorable M. Hickman, d'après laquelle nous devrions mandater le comité pour qu'il prépare une charte, cependant j'ai bien peur que cela ne soit un peu trop. Certains désaccords ont été exprimés, et je crois que nous devons de les exprimer au comité des procureurs-généraux. Nous devons nous convaincre les uns les autres. Personnellement, j'espère que la majorité convaincra la minorité; cependant nous devons être prêts à accepter le contraire.

Les fonctionnaires ont rédigé certains projets, et cela nous permettra peut-être d'écourter nos discussions cet après-midi, lorsque nous parlerons des prolongements de nos travaux. Je me demande si nous pouvons nous mettre d'accord maintenant sur un projet qui pourrait exprimer, je crois, l'accord général auquel nous sommes arrivés ce matin. Je vais le lire, et si divers points de vue sont exprimés, je le renverrai aux fonctionnaires qui se réuniront pendant le déjeuner, mais si nous pouvons nous mettre d'accord sur un texte ce matin, cela sera un point de gagné.

Je vais maintenant vous en donner lecture. "La Conférence des premiers ministres fédéral et provinciaux notant"... ensuite nous avons le choix entre... "un intérêt général ou une acceptation générale avec certaines réserves qui ont été exprimées quant aux garanties constitutionnelles des droits de l'homme, acceptent la création d'un comité de ministres pour étudier toutes les questions se rapportant à une charte constitutionnelle des droits de l'homme, et en particulier les droits devant figurer dans cette charte et les méthodes grâce auxquelles cette charte devrait être incorporée dans la constitution".

Maintenant, le débat, s'il y en a un, devra porter

exposer nos raisons et de perdre un temps qu'il serait sans doute préférable de consacrer à d'autres questions, je pense que nous pouvons nous associer au point de vue exprimé par l'Ontario comme étant celui qui est probablement le plus proche du nôtre. Nous sommes d'accord, bien sûr, pour qu'un comité examine la question et s'efforce de trouver une solution acceptable.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci monsieur. M. Gerhart, procureur-général de l'Alberta.

L'HONORABLE F.H. GERHART: Merci, M. le premier ministre. L'Alberta a certaines réserves à exprimer quant au principe d'une garantie constitutionnelle des droits. J'insiste sur "le principe d'une garantie" car il ne s'agit pas du principe des droits de l'homme. Je dis cela en raison de notre point de vue, d'après lequel on devrait laisser toute latitude au Parlement ou à l'Assemblée législative dans ce domaine particulier. En effet, une fois que nous aurons créé une charte des droits de l'homme incorporée à la constitution, nous devrons attendre que nos enfants et nos arrière-petits-enfants soit nés pour que les tribunaux interprètent ce que nous aurons créé. Cela peut présenter quelques difficultés pour certains d'entre nous, et même peut-être pour nos enfants.

L'Alberta a, à notre avis, une tradition de responsabilité dans le domaine des droits de l'homme. Dans notre province, nous avons un ombudsman depuis un an et demi à peu près et je crois que c'est le premier au Canada. Ce système marche très bien. À la session parlementaire qui s'ouvrira demain, nous présenterons une mesure législative se rapportant à la compensation aux victimes des crimes. Nous serions prêts à y incorporer une condition d'après laquelle nous partagerions une partie des frais avec les autorités fédérales, comme l'a aussi indiqué le procureur-général de Terre-Neuve. Nous avons également un programme très étendu d'assistance judiciaire. Donc, bien que nous ayions des réserves dans ce domaine, nous sommes prêts à discuter sérieusement du principe de l'incorporation, au sein du comité dont il a été question.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci beaucoup, M. Gerhart.

En bien, nous avons, je crois, épuisé ce point de l'Ordre du jour sans pour cela être déjà épuisés nous-mêmes. Chaque province a pu s'exprimer et le ministre de

législation aujourd'hui. On constate immédiatement les améliorations apportées aux procès des prévenus dans cette période de moins de vingt ans; si nous étions réunis alors et que nous ayons discuté la question, aurions-nous prévu les droits qui aujourd'hui constituent à notre avis une protection minimale des individus?

Je crois que si nous nous projetons par la pensée dans l'avenir, nous pourrions sans doute admettre que des gens plus brillants pourront, d'ici vingt ans, avoir une vision plus complète des droits de l'homme. Plutôt que de les incorporer à notre constitution, ralentissant ainsi l'évolution de la société, ou, à tout le moins, chargeant les tribunaux de déterminer l'amplitude de cette évolution, nous devrions laisser cette tâche au Parlement de cette époque, dans l'espoir qu'il raffinerait et qu'il développerait les droits de l'homme à mesure que notre société évoluerait.

Je pense que cette possibilité devrait être étudiée par le Comité. C'est avec certaines hésitations que j'accepte ceci. Je suis certain que la question sera également renvoyée aux procureurs-généraux. Cependant il me semble souhaitable qu'elle soit étudiée par un comité. Au nom de la province de la Colombie-Britannique, je pense que l'on devrait envisager une incorporation plus limitée des droits dans la constitution. Il faudrait certainement prévoir, ce que nous ne faisons pas maintenant, que nos gouvernements, quelque soit leur nombre à l'avenir au Canada, sont élus démocratiquement et sont responsables devant les Canadiens et seulement devant eux pour un terme précis et qu'ils ne peuvent pas modifier leur propre constitution pour prévoir un terme plus prolongé.

Je crois que cette question doit être examinée en détail. Cependant, une fois que vous avez un Parlement responsable devant le peuple, cela constitue à mon avis la plus grande protection que les citoyens n'importe où au monde peuvent avoir, tant pour les droits de l'homme que pour les autres droits.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci M. Peterson. M. Smith?

L'HONORABLE G.I. SMITH: Je n'oublie pas que vous nous avez demandé d'être brefs, et je crois pouvoir expliquer au mieux notre position en disant que nous sommes tout à fait convaincus de la nécessité absolue de protéger les droits de l'homme fondamentaux. Au lieu de vous

L'homme, il suffit simplement de regarder quelques années en arrière pour constater les progrès extraordinaires qui ont été réalisés.

On nous a parlé de la situation en Ontario. Nous avons également une législation portant sur les droits de l'homme. Elle sera encore améliorée et des protections plus grandes seront garanties au cours de cette session de notre Assemblée législative. Si vous incorporez certains de ces droits dans une charte fédérale ou dans la constitution, vous allez passer à côté des modalités d'application très importantes dont nous disposons à l'échelon provincial, c'est-à-dire la conciliation, l'éducation et parfois l'intervention. Je crois également que vous allez créer des conflits entre les juridictions provinciales.

Prenons par exemple le cas de la discrimination entre les sexes. J'hésite à aborder un tel sujet dans le cadre de nos délibérations solennelles! Nous sommes nombreux à prévoir la discrimination fondée sur le sexe. Sur le plan provincial, nous pouvons la prévenir en introduisant une protection supplémentaire pour les travailleurs du sexe féminin. Par exemple, le poids qu'elles peuvent soulever, etc., et le travail dans les mines souterraines, les choses de ce genre. Il n'y a aucun conflit, nous pouvons prévoir cela dans les lois provinciales.

Si vous examinez ce qui s'est produit aux Etats-Unis, où cette question faisait l'objet de loi fédérale, il y a eu toutes sortes de litiges entre les Etats et le gouvernement fédéral. Voilà le genre de choses qu'à mon avis, nous devons éviter lorsque nous envisagerons la question des garanties constitutionnelles.

Il y a une autre chose qui me gêne: une fois qu'une disposition figure dans notre constitution, il est très difficile de la modifier. Nous n'avons pas encore réglé cette question soulevée par la modification de notre constitution. Même si nous arrivons à une formule, je suis convaincu qu'il sera extrêmement difficile de modifier la constitution, une fois qu'elle aura été établie.

En ce qui me concerne, la question est tout simplement celle-ci: devons-nous incorporer pour toujours à notre constitution les conceptions politiques transitoires d'aujourd'hui? Revenons-en ne serait-ce que vingt ans en arrière et examinons la législation qui protégeait alors les droits de l'homme, et ensuite examinons l'étendue de cette

que cela soit significatif, nous devons être prêts à prévoir les moyens financiers nécessaires pour pouvoir, lorsque nous accorderons ce droit, disposer des moyens nous permettant d'assumer cette responsabilité.

Une fois de plus, qu'il me soit permis de répéter simplement la position de Terre-Neuve. Nous soutenons absolument, sans aucune condition, la proposition que vous avez faite, monsieur le premier ministre, à savoir qu'il faudra incorporer à la constitution une Charte des droits de l'homme, si on veut qu'elle soit significative et efficace.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Hickman.

M. Peterson?

L'HONORABLE L.R. PETERSON: Monsieur le premier

ministre, nous avons exposé la position de la Colombie-Britannique dans notre déclaration d'ouverture, je ne vais pas répéter maintenant les réserves que nous avons faites en ce qui concerne l'incorporation de la Charte des droits de l'homme dans notre constitution.

Je crois qu'on pourrait probablement défendre une garantie constitutionnelle limitée, cependant nous avons des réserves importantes à formuler en dehors de celles qui ont été exprimées dans notre mémoire.

Premièrement, à mon avis, toute incorporation sensible d'une Charte des droits de l'homme, comme d'autres délégués l'ont déjà dit, créerait, je crois, une certaine incertitude quant aux droits. En effet, lorsqu'une des Assemblées législatives, - et nous en avons maintenant onze, soit dix sur le plan provincial et une sur le plan fédéral, qui promulguent des lois (nous aimerions que ce nombre soit réduit à cinq, mais c'est une autre question) - qui promulguent toutes des lois, et chaque loi affectant les droits dont il sera question dans la constitution pourrait être soumise aux tribunaux.

Ensuite, en raison des dispositions de la constitution, ce serait aux tribunaux de décider si ces mesures législatives dépassent la compétence constitutionnelle de l'Assemblée législative. Ce serait une affaire d'or pour les avocats canadiens, car les litiges se multiplieraient, mais je ne crois pas que les citoyens aient quoi que ce soit à y gagner; d'ailleurs, en ce qui concerne les droits de

Lorsque les réunions de procureurs-généraux auront lieu, si notre mandat ne nous demande pas d'étudier cette incorporation, car la décision aura déjà été prise, et que nous devons simplement trouver le moyen d'appliquer cette décision, alors je pense, monsieur le premier ministre, qu'en quelques mois à peine nous pourrions soumettre à la Conférence un document définitif, -- un document qui pourra être adopté très rapidement et très facilement.

Dans notre province, nous ne sommes pas surchargés de lois se rapportant aux droits de l'homme. Je dois supposer, en me basant sur le point de vue exprimé par certains de mes collègues ici présents, que cela prouve clairement que nous n'en avons pas besoin. Cependant, quelle que soit l'explication de ce phénomène, ce n'est pas parce que nous nous opposons au principe.

Tout comme la Saskatchewan, nous avons mis en vigueur une loi sur la compensation des crimes. En fait, nos lois sont presque identiques. Cependant, et une fois de plus, si votre gouvernement jugeait bon d'assumer cette responsabilité, il suffirait de peu de temps et de courtes négociations pour que nous vous abandonnions ce droit cheri.

En ce qui concerne le principe des droits de l'homme essentiels, il y a une chose qui se dégage de plus en plus clairement en Amérique du Nord, -- et je crois que le ministre de la Justice, M. Turner, l'a signalée récemment à quelques reprises, -- en effet, il ne sert pas à grand chose de prévoir les mécanismes nécessaires et de donner l'assurance d'un procès gratuit à un prévenu si en même temps nous ne lui donnons pas le moyen de garantir ce droit, si en établissant ce droit nous ne lui donnons pas un autre droit, c'est-à-dire le droit essentiel de disposer d'un avocat.

Je crois qu'il s'agit là d'une conception nouvelle qui se développe en Amérique du Nord. Quoiqu'il en soit, il est certain que nous ne pouvons pas nous permettre de la laisser dormir longtemps au fond de nos dossiers. Je souhaite beaucoup que la Charte des droits de l'homme qui sera incorporée à notre constitution comporte une disposition d'après laquelle tout prévenu au Canada a un droit absolu à disposer d'un avocat.

Cela étant fait, il est évident que les provinces et les Barreaux provinciaux (d'ailleurs, dans la plupart des provinces aujourd'hui nous disposons d'une forme ou d'une autre d'assistance judiciaire) devront faire en sorte

Nous participons à ce qui semble être l'accord général autour de cette table, c'est-à-dire qu'une Charte des droits de l'homme devrait être incorporée à la constitution.

"Nous sommes assez troublés lorsque nous entendons l'expression: "Nous sommes en faveur de cela, mais cependant..." et qu'ensuite nous devons écouter toute une énumération des différentes caractéristiques qui devraient peut-être laissées aux provinces quant à leur mise en oeuvre.

D'après nous, il est absolument essentiel que la Charte des droits de l'homme soit incorporée à la constitution. Si cela représente un certain abandon de nos droits sacrés, eh bien nous le ferons sans aucune hésitation.

Par contre, si on constate que certains aspects de la constitution peuvent être mieux appliqués par les provinces, ou que certaines provinces disposent aujourd'hui de mesures législatives, d'une certaine expérience et de compétences qui semblent être compétentes, ou plus compétentes que ne le sont les tribunaux, nous ne voyons aucune raison valable pour laquelle on devrait empêcher la garantie constitutionnelle de ce principe essentiel dans les plus brefs délais.

Je ne peux absolument pas voir quoi que ce soit qui empêche la Conférence d'accepter le principe et de refuser d'en confier complètement l'application aux tribunaux. Si nous acceptons cela comme base de nos principes, si nous acceptons que nous devons garantir à tous les Canadiens cette protection essentielle et ce droit essentiel, et que nous leur disons ensuite "Si vous voulez aller plus loin que cela, vous avez notre bénédiction", alors je ne vois absolument pas pourquoi les Canadiens s'y opposeraient.

Ce que je voudrais, c'est que nous ne soyons pas arrêtés par des exposés légalistes sur le droit constitutionnel pour nous retrouver ici, dans deux ou trois ans, toujours en train d'essayer de trouver une formule. Une fois que nous acceptons cette proposition et que nous collaborons réellement pour renvoyer les modalités à un comité de procureurs-généraux, ou à n'importe quel autre comité pour rédaction, à mon avis, si nous faisons cela, nous n'arriverons à des résultats que s'il y a d'abord un accord parmi les membres de la Conférence pour que la Charte des droits de l'homme soit incorporée à la constitution.

fait savoir m'a-t-il dit, qu'aux Etats-Unis, par exemple, la rénovation urbaine est rendue presque impossible par la disposition de la constitution américaine sur le traitement équitable de tous devant la loi.

Voilà donc, monsieur le premier ministre, quelles sont certaines de nos préoccupations. Nous pensons que toute mesure tendant à développer les soit-disant droits individuels au-delà des droits démocratiques fondamentaux devrait être étudiée et introduite avec la plus grande prudence.

Si nous permettons qu'il se crée une situation comparable à celle des Etats-Unis, nous pensons, nous craignons que les résultats n'entraînent la subordination de la sécurité et du bien-être du public aux soit-disant droits individuels alors que, naturellement, la base essentielle du droit et de l'ordre exige que les droits individuels soient limités pour garantir le bien de tous. C'est une chose que l'on oublie parfois, mais un tribunal lorsqu'il entend une accusation criminelle a pour responsabilité de déterminer si le prévenu est coupable ou non, et non d'essayer de trouver des méthodes pour empêcher que des témoignages véridiques et réels de sa culpabilité ne lui soient soumis.

Voilà certaines de nos préoccupations. Nous appuyons le principe avec enthousiasme. Nous nous préparons à faire confiance aux négociations et aux discussions ultérieures qui nous permettront d'agir dans le domaine de la Charte constitutionnelle des droits de l'homme.

LE TRÈS HONORABLE P.E. TRUDEAU: M. Smallwood?

L'HONORABLE J.R. SMALLWOOD: Monsieur le premier

ministre, je me demande si le ministre de la Justice de Terre-Neuve, M. Hickman, pourrait traiter de cette question pour moi.

LE TRÈS HONORABLE P.E. TRUDEAU: M. Hickman a la parole.

L'HONORABLE T.A. HICKMAN: Merci, monsieur le premier ministre.

La position de Terre-Neuve a été exprimée très clairement lors de la Conférence de l'an dernier, et je me propose donc de la reprendre en peu de mots.

renvois et des appels inutiles devant les tribunaux, ce qui mettrait les autorités provinciales dans une position difficile lorsqu'il s'agit de sauvegarder notre société de façon adéquate.

Je crois qu'il y a un autre facteur qu'il ne faut pas oublier. Les tribunaux, lorsqu'ils interprètent les mesures législatives garantissant les droits de l'homme, se trouvent obligés de faire des choix politiques, qu'il vaudrait sans doute mieux laisser aux législateurs.

Aussi nous demandons-nous s'il faut abandonner complètement le système actuel. On pourrait aller trop loin dans les garanties constitutionnelles et dans le remplacement de votre système, au moins en partie, par un système comparable au système américain, qui ne semble pas avoir obtenu les résultats souhaités en application de la constitution américaine.

Nous pensons qu'aux Etats-Unis certaines dispositions constitutionnelles, assez proches de certaines des propositions formulées ici, ont beaucoup compliqué, - voilà notre avis, - l'application du droit criminel tel qu'il figure dans certaines lois des Etats-Unis.

Nous pensons que la situation s'est compliquée du fait que la Cour suprême des Etats-Unis ait donné des interprétations entièrement nouvelles à certaines dispositions de la constitution. Je pense à cette affaire (je suis d'ailleurs certain que tout le monde en connaît les éléments) dans laquelle un agent de police arrête un prévenu qui quitte un immeuble avec une tige d'oreiller pleine de fourreaux et d'autres objets précieux, et, qui lorsqu'il examine l'immeuble, constate qu'il y avait eu vol avec effraction et que les objets en question avaient été dérobés. Le tribunal a déclaré que l'agent de police n'avait pas le droit d'arrêter et de fouiller le prévenu. En conséquence, le fait que le prévenu avait été pris lorsqu'il quittait l'immeuble avec les articles dérobés ne pouvait pas constituer une preuve. On n'a pu le poursuivre pour vol avec effraction, faute de preuve;

Le docteur Schmeiser nous a également avertis, - d'ailleurs le premier ministre de la Colombie-Britannique a parlé de lui hier, - c'est un expert de notre faculté de droit de l'Université de la Saskatchewan, il a étudié le système américain et les décisions américaines; il nous conseille de ne pas aller trop loin dans ce domaine. On lui a

Nous pensons qu'il devrait être possible de trouver une solution qui nous serait acceptable. Nous sommes tout à fait en faveur de l'idée de renvoyer cette question à un comité, peut-être aux ministres de la Justice et aux procureurs-généraux.

Je voudrais faire remarquer en passant, qu'à notre avis, nous avons établi dans notre province au cours des trois dernières années un système complet de mesures législatives protégeant le citoyen. C'est pourquoi les garanties écrites de certaines de ces choses ne nous préoccupent pas trop. Je vous rappellerai que nous avons sans doute le système le plus complet de compensation aux victimes de la violence criminelle. Cette commission, - c'est une commission de trois membres, - a été mise sur pied il y a un an, et elle reçoit des demandes presque chaque jour. D'ailleurs, elle fonctionne très bien.

La conférence de Los Angeles, il y a quelques mois, a exprimé son appréciation de ce programme, qu'elle a jugé très complet.

Je voudrais également faire remarquer que nous avons une Loi des procédures d'expropriation, qui assure en quelque sorte des services limités d'ombudsman, car elle protège les droits de l'individu contre les services de l'Etat qui sont responsables des expropriations. D'ailleurs, nous attendons avec un grand intérêt les résultats de cette expérience. Nous avons adopté cette loi l'année dernière, et nous sommes maintenant en train de constituer la Commission qui l'appliquera.

Cette Commission, que nous avons appelée Commission des droits publics et privés, agira en tant qu'ombudsman dans ce domaine.

Nous avons quelques réserves, quelques mots de mise en garde au sujet de garanties trop rigides dans une Charte des droits de l'homme. La difficulté vient du fait, qu'à notre avis, on ne peut prévoir avec sûreté la constitutionnalité d'une mesure législative avant que les tribunaux n'aient rendu une décision.

Nous pensons naturellement qu'il est important que les provinces soient libres de prendre les mesures nécessaires pour maintenir l'ordre et garantir l'application de la loi. Et, bien que les droits de l'homme doivent être protégés, la garantie constitutionnelle de ces droits peut entraîner des

L'HONORABLE L.J. ROBICHAUD: Il y a encore flexibi-

LE TRÈS HONORABLE P.E. TRUDEAU: Exactement.

(TRADUCTION)

Monsieur le premier ministre Campbell, de l'Île-du-Prince-Édouard.

L'HONORABLE A.B. CAMPBELL: Dans une certaine

mesure, l'Île-du-Prince-Édouard a déjà exprimé son point de vue. J'ai beaucoup apprécié les remarquables résolutions que nous ont données les autres provinces des questions très diverses que recouvre ce sujet.

Nous voudrions simplement dire pour l'instant que nous soutenons le principe de l'incorporation des garanties (définition et protection de ces droits dans la constitution) et nous pensons qu'il est nécessaire qu'un sous-comité de cette Conférence ou qu'un comité des procureurs généraux soit créé afin de trouver des moyens grâce auxquels cet objectif pourra être atteint au mieux.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Campbell.

L'HONORABLE D.G. STEUART: M. Heald, ministre de la Justice, présentera la position de la Saskatchewan.

LE TRÈS HONORABLE P.E. TRUDEAU: M. Heald, ministre de la Justice de la Saskatchewan.

L'HONORABLE D.V. HEALD: Monsieur le premier ministre, la Saskatchewan accepte le principe d'une Charte des droits de l'homme incorporée à la constitution.

Nous acceptons, comme nous l'avons dit dans notre déclaration d'ouverture, que les droits démocratiques fondamentaux soient incorporés à la constitution. Et, naturellement, nous acceptons que cela comporte la liberté de religion, la liberté de parole, la liberté de réunion et d'association et enfin la liberté de presse.

En ce qui concerne les autres droits politiques, nous sommes pour; oui, nous sommes d'accord. Nous avons certaines inquiétudes en ce qui concerne (e), (f) et (g) du numéro 1 de votre proposition, cependant nous voudrions en parler un peu plus.

sous une forme générale, soit sous une autre forme alors que le gouvernement fédéral semble préférer que cette garantie des droits linguistiques soit énoncée dans la charte.

(TRANSDUCTION)

Enfin, il faut noter à cet égard que les propositions fédérales évitent pour l'instant de créer des obligations constitutionnelles quant aux droits économiques et sociaux, bien que l'exposé original de février dernier les ait mentionnées comme étant des possibilités pouvant faire l'objet de décisions futures.

Il est hors de doute que la question politique la plus significative soulevée par les propositions fédérales, et indirectement par l'exposé du Nouveau-Brunswick, a trait à la mesure dans laquelle la charte modifierait la théorie et la pratique de la suprématie parlementaire en fixant des limites aux mesures que peuvent prendre les assemblées législatives quant à certaines questions ou certaines procédures. Cela est particulièrement vrai dans le cas de l'introduction d'une disposition prévoyant un traitement équitable devant la loi qui, en fait, soulève des questions politiques très importantes et exige une étude approfondie pour que toutes ses implications quant au fond, sinon quant aux procédures soient comprises.

La position du Nouveau-Brunswick se ramène à ceci: nous sommes en faveur d'une telle charte comportant la garantie des droits linguistiques. Cependant, l'ensemble du processus doit être étudié en profondeur par un sous-comité approprié du Comité permanent.

(FRANCAIS)

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Robichaud.

En rapport avec votre exposé, je voudrais simplement apporter une précision: vous avez indiqué que vous étiez prêt à considérer une "Protection des droits linguistiques" soit dans une charte, soit à l'extérieur. Je dois dire que c'est également notre point de vue. Je reconnais que dans le volume que nous avons soumis, ça apparaît comme faisant partie intégrante de la charte, mais nous sommes tout à fait prêts à considérer...

(TRANSCRIPTION)

L'HONORABLE L.J. ROBICHAUD: Monsieur le premier ministre, à la suite de l'exposé de monsieur Wishart, de celui de monsieur Lyon du Manitoba, ainsi que de celui de monsieur Bertrand du Québec, le Nouveau-Brunswick voudrait déclarer que le projet de Charte canadienne des droits de l'homme, tel qu'il est exposé dans la proposition fédérale, représente, à notre avis, une tentative pour fixer sous une forme constitutionnelle la conception générale d'une telle Charte, conformément à l'exposé du gouvernement du Canada à la Conférence constitutionnelle de février dernier, intitulée "Charte canadienne des droits de l'homme".

Il est évident que les propositions fédérales ne sont guère différentes en principe d'un certain nombre des points soulevés dans la proposition du gouvernement du Nouveau-Brunswick.

En gros, la conception fédérale des droits de l'homme recouvre les droits suivants: les droits sociaux et politiques, à proprement parler, qui se rapportent aux questions telles que la liberté de parole et de réunion, le droit à un jugement équitable, etc., comme monsieur Bertrand vient de le dire; les principes généraux se rapportant à la non-discrimination, ainsi que les principes généraux se rapportant aux droits linguistiques et scolaires.

(FRANCAIS)

Les propositions fédérales diffèrent des propositions du Nouveau-Brunswick, sur deux points, toutefois.

Le premier est que le Nouveau-Brunswick n'énonce pas dans le détail la teneur de sa déclaration des droits fondamentaux, car il estime que la question n'a pas été étudiée suffisamment en détail pour qu'il lui soit possible de proposer, à l'heure actuelle, le texte d'un bill qui en traiterait.

À cet égard, le Nouveau-Brunswick doit adopter l'attitude que bien que la charte proposée par le gouvernement fédéral soit un document précieux, il va falloir qu'il soit revu en détail par un groupe de travail, un sous-comité, un peu comme on l'a déjà proposé hier pour différentes choses.

Deuxièmement le Nouveau-Brunswick est prêt à accepter toute forme de garantie des droits linguistiques, soit

l'adoption d'une déclaration constitutionnelle des droits de l'homme devra se faire en même temps que l'adoption de la nouvelle constitution, mais pas avant.

Nous l'avons dit à plusieurs reprises, nous croyons que l'essence du problème constitutionnel qui est le nôtre, à l'heure actuelle, la substance, c'est beaucoup plus la répartition des pouvoirs entre les deux ordres de gouvernement, malgré que nous reconnaissons, avec le premier ministre du Canada et les autres qui partagent son opinion, que les problèmes des droits fondamentaux de la personne humaine, sont également très importants.

Entre temps, nous serions prêts à continuer de discuter de cette question avec tous les autres gouvernements, dans le cadre des travaux de cette Conférence soit par le truchement de nos fonctionnaires ou la formation d'un sous-comité et notre collaboration vous est acquise.

Je dois ajouter que depuis l'an dernier, dans ce domaine de la protection des droits de l'homme, nous avons adopté, au Parlement de Québec, la loi créant le poste "d'ombudsman" ou de protecteur du peuple. Il nous reste maintenant à trouver le candidat qui pourra répondre à ce vote obligatoire des deux tiers -- des deux tiers du Parlement du Québec. Et comme le gouvernement actuel n'a que cinquante-cinq députés, il faut donc trouver un candidat qui répondra également aux exigences que l'opposition voudra requérir en même temps que nous.

De plus, nous recevons, depuis quelques semaines et recevrons d'ici le mois de septembre, le rapport de la Commission Frévoist qui a été chargée de l'examen du problème excessivement important, de l'administration de la justice, en matière criminelle et pénale, de la protection des droits des accusés, d'une meilleure marche des procédures devant nos tribunaux de juridiction criminelle et pénale.

Voilà donc, monsieur le président, quelques-unes des vues, des opinions, des idées que je voulais exposer pour compléter l'excellente déclaration qui avait été faite l'an dernier, par mon prédécesseur, monsieur Johnson, sur ce problème des droits fondamentaux.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci monsieur Bertrand.

Monsieur le premier ministre Robichaud?

sur les moyens d'en assurer la protection. Doit-on protéger ces droits par des dispositions constitutionnelles, ou les lois ordinaires sont-elles suffisantes? Voilà le problème.

Le Québec comprend ceux qui hésitent à changer notre manière habituelle de faire dans ce domaine et qui craignent que les tribunaux soient ainsi amenés à jouer un rôle qui ne leur conviendrait pas. Toutefois, le Québec croit que les avantages d'une garantie constitutionnelle, en principe, l'importeraient sur ces inconvénients que je viens de noter. Nous serions donc, en principe, en faveur d'une déclaration constitutionnelle des droits de l'homme, mais à certaines conditions.

Nous ne devons pas oublier que nous vivons en régime fédéral. Il est donc important de faire en sorte que la reconnaissance constitutionnelle des droits de l'homme ne vienne pas modifier le partage des compétences entre les gouvernements. Nous n'accepterions pas, par exemple, que le Parlement vienne légiférer en matière de contrats ou de testaments ou de tout ce qui relève de notre code civil, au Québec, sous prétexte qu'il s'agit de mettre en oeuvre la déclaration constitutionnelle des droits de l'homme. Cette mise en valeur doit relever des deux ordres de gouvernement et chacun dans sa sphère propre.

La question sur laquelle le Gouvernement du Québec s'interroge est celle de savoir si la déclaration des droits contenue dans la constitution du Canada, doit s'appliquer à tous les niveaux de gouvernements ou si elle ne doit s'appliquer qu'au Gouvernement fédéral, devant ainsi être complétée, bien entendu, par des déclarations constitutionnelles au niveau des Etats membres.

Pour le moment, du moins, nous sommes en faveur de cette deuxième solution et nous avons chargé, il n'y a pas très longtemps, notre comité parlementaire sur la constitution, à Québec, d'étudier les mesures à prendre pour doter le Québec d'une Charte constitutionnelle des droits de l'homme.

Comme nous l'avons dit l'an dernier, nous croyons que cette question des droits fondamentaux fait partie d'un ensemble. Par exemple, elle est intimement liée à la création d'un véritable tribunal constitutionnel -- si elle est incluse dans la constitution du pays et dans la constitution provinciale -- de même qu'on l'a reliée, également, à la réforme du Sénat, sous certains aspects, et que

(TRADUCTION)

LE TRÈS HONORABLE P.-E. TRUDEAU: Messieurs, je crois que nous allons pouvoir commencer.

Nous devons reprendre et terminer l'article 4 b), les droits fondamentaux, puis nous reviendrons aux disparités régionales. J'espère que nous pourrions au moins en finir avec ces deux questions ce matin et entreprendre l'étude de quelques uns des autres articles de l'Ordre du jour. Certains chefs de délégation ont demandé à prendre la parole lors de l'étude du premier sujet. Je sais également qu'il y en a plusieurs autres qui veulent parler au sujet des disparités régionales. Nous vous serions donc tous très reconnaissants de limiter la longueur de vos interventions.

(FRANCAIS)

Monsieur le ministre Bertrand, vous avez demandé la parole sur l'item des droits fondamentaux?

L'HONORABLE J.-J. BERTRAND: Oui, monsieur le président, merci.

L'an dernier, dans le mémoire soumis par le premier ministre à cette conférence fédérale-provinciale, le Québec a exposé, assez longuement, sa pensée sur les droits de l'homme et les droits fondamentaux.

Vous retrouvez, ces propos premièrement dans le mémoire soumis alors par le Québec, et deuxièmement dans le livre qui contient le résumé des délibérations de l'an dernier, à la version anglaise à la page 289, et la version française à la page 292.

Je n'ai pas l'intention de reprendre tous ces propos, ce qui équivaldrait à répéter ici la position du Québec qui a été très bien exposée l'an dernier. Toutefois, je voudrais ajouter les quelques mots suivants.

Les discussions de la première Conférence constitutionnelle et les travaux accomplis au niveau des fonctionnaires ont montré que tous sont d'accord sur la protection des droits fondamentaux, mais que des divergences surgissent

CINQUIÈME SÉANCE — MERCREDI MATIN
Ottawa, le 12 février 1969

Je crois que les chefs de gouvernement dîneront avec moi. Quant aux autres ministres, ils dîneront avec le ministre de la Justice. Je souhaite donc bon appétit à tous. La séance est levée jusqu'à dix heures demain matin.

(La séance est levée. La suite des délibérations est remise à dix heures du matin, le mercredi 12 février 1969.)

Si vous êtes d'accord, nous devons terminer cet article de l'Ordre du jour demain matin. Les derniers mots de M. Lyon nous offrent la possibilité de régler cette question: organiser d'autres réunions à ce sujet entre les procureurs généraux. Il serait souhaitable que nous réservions au moins une partie de la réunion de demain, une petite partie de la matinée, afin de donner à chaque délégation la possibilité d'exprimer son point de vue sur ce point.

Pour en revenir aux disparités régionales, je vous demanderais, M. Smith, d'ouvrir le débat demain matin.

Ainsi nous en finissons avec tous les points que nous avons abordés. Il reste de nombreux articles à l'Ordre du jour. Je vais les énumérer rapidement: 4 d), Réforme des institutions reliées au fédéralisme, c'est-à-dire le Sénat et la Cour suprême. Nous voudrions peut-être vous soumettre une autre question à ce sujet. Le premier ministre Bertrand, le premier ministre Roberts et moi-même, nous ferons probablement rapport de l'état de notre étude sur la région de la Capitale nationale. Si nous nous mettons d'accord, il est possible que nous vous soumettions un rapport. C'est là une des questions se rapportant à la réforme des institutions touchant au fédéralisme. Si nous ne pouvons pas nous mettre d'accord rapidement, nous ne vous importerons pas avec nos difficultés.

4 f) et g), se rapportent à la procédure d'amendement et aux arrangements et mécanismes provisoires pour les relations fédérales-provinciales. J'espère que cela ne sera pas long, au moins en ce qui concerne le mécanisme des relations fédérales-provinciales, dont nous pourrions également traiter lors de l'étude de 2 c). Vous vous souviendrez qu'il s'agit de la procédure de révision constitutionnelle, autrement dit, des mécanismes auxquels on fera appel à partir de maintenant pour agir en matières constitutionnelles. Nous avons déjà créé quelques comités, comités sur le régime fiscal, comités des procureurs généraux; il s'agit simplement de mettre la dernière main à ce travail.

A la fin de la journée, il nous faudra absolument réserver quelques instants pour nous mettre d'accord sur 2 c), et si, avec un peu de chance, nous prenons un peu d'avance, nous pourrions retourner à l'article 3, les objectifs de la Confédération. Cependant, cette question a peut-être une priorité moins grande que les questions que j'ai mentionnées d'abord.

Ici encore, je vous renvoie aux remarques de M. Wishart, au sujet de la Commission des droits de l'homme de l'Ontario. Je crois que toutes les provinces, sauf une, ont adopté une loi. Au Manitoba, nous avons certaines mesures législatives qui se rapportent à la discrimination dans l'emploi, dans les hôtels et dans les lieux ouverts au public, et ainsi de suite. Il s'agit d'un domaine dans lequel c'est nécessaire, étant donné la complexité de la société dans laquelle nous vivons aujourd'hui. Cela correspond à un besoin actuel auquel répondent les Assemblées législatives actuelles, dans le cadre de leurs compétences constitutionnelles. Ce système fonctionne bien et il garantit aux citoyens les droits qu'ils désirent voir garantis en ce moment.

Une déclaration écrite des droits de l'homme peut donner à certains un sentiment de sécurité. Je crois cependant que les Canadiens préféreraient, si la question se posait, être certains de jouir de l'application d'un droit, plutôt que d'admirer une telle déclaration. Un législateur qui prévoyait le droit à un logement décent, pourrait se figurer qu'il oeuvre pour la société juste, cependant celui qui n'a pas de logement préférerait sans doute de beaucoup des mesures pratiques lui permettant d'obtenir un logement, plutôt qu'une déclaration de principes.

Bref, M. le premier ministre, nous sommes d'avis que nous devrions concentrer nos efforts sur l'application pratique des droits, plutôt que sur leur définition. Nous serions très heureux d'avoir avec vous, avec le procureur-général et les autres participants à cette Conférence, d'autres entretiens sur cette question, afin de déterminer les meilleurs moyens de préserver ce que nous voulons tous pour les Canadiens.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, M. Lyon.

Je crois qu'il serait souhaitable, avant de lever la séance à cinq heures et demie, d'examiner le programme de demain et de déterminer rapidement notre façon de procéder. Il est évident que nous travaillerons toute la journée, et je pense qu'il serait bon, pour tous ceux d'entre vous qui le peuvent, de prévoir que la journée entière sera occupée. Des dispositions ont été prises, je crois, pour le transport aérien des premiers ministres et de tout le personnel pouvant prendre place à bord des avions qui partiront l'un vers l'est et l'autre vers l'ouest. Ces avions partiront demain à six heures, ou une heure après la fin de la Conférence.

auraient été les conséquences de l'incorporation d'une telle disposition dans notre constitution sur l'histoire des transports aériens au Canada? C'est une question hypothétique bien sûr, elle est pourtant tout à fait possible.

Voilà ce que nous pourrions faire aujourd'hui en ce qui concerne certains des droits qui, une fois incorporés à la constitution, auraient ultérieurement des effets néfastes en raison de l'évolution des conditions sociales. C'est pourquoi je suis tout à fait d'accord avec M. Wishart et je pense que si nous devons appliquer cette idée de quelque façon que ce soit, -- à notre avis on ne devrait pas le faire, -- mais si nous voulons le faire de quelque façon que ce soit, il faudra fixer des limites très précises aux droits qui doivent être incorporés à la constitution. Quels sont les droits fondamentaux, et qui va prendre une décision quant à ce qui est fondamental pour moi, pour le premier ministre, pour le ministre des Affaires extérieures, ou pour quiconque?

De bien des façons, les droits sont une question individuelle. Ils ne s'appliquent qu'à des individus: le fait de profiter de son foyer, de profiter de l'air pur, de profiter de beaucoup de choses, sont des questions individuelles, et elles sont protégées à l'heure actuelle.

Pour finir, monsieur le premier ministre, je pense que la vertu essentielle de notre tradition de droit coutumier vient de sa nature pratique qui lui permet non seulement de reconnaître un droit mais d'assurer son application. Le droit se dégage du dispositif qui permet d'en faire une réalité et non en tant qu'un principe abstrait qui serait appliqué par un moyen qui n'est pas encore conçu.

Je le répète, la liberté dont nous jouissons avec notre système actuel est largement garantie par nos institutions, Parlement et Assemblées législatives, ainsi que par un système judiciaire indépendant. Il nous paraît beaucoup plus important de consacrer notre énergie à préserver nos libertés en maintenant des institutions saines, plutôt qu'en procédant à une codification, qui pourrait fort bien limiter la valeur actuelle de ces institutions familiales.

Je veux qu'il soit parfaitement clair, monsieur le premier ministre, que nous n'hésitons pas parce qu'il s'agit de quelque chose de nouveau, mais plutôt parce que nous sommes convaincus qu'au lieu de préserver et de développer les libertés individuelles dans notre nation, cela pourrait (et je mets l'accent sur le conditionnel) -- cela pourrait soulever certains des problèmes fondamentaux qui ont été l'apanage des pays étrangers disposant de charte constitutionnelle des droits de l'homme.

Il n'y a, malheureusement, que trop de cas de déni de droits antérieurement définis dans d'autres pays. Comme l'a dit le procureur-général de l'Ontario, nous n'avons pas à en donner d'exemples aujourd'hui, cependant c'est un fait qui est connu de tous.

Je suis d'avis que notre devoir de parlementaires, soit dans nos assemblées législatives provinciales, soit au Parlement du Canada, consiste à nous assurer que nous ne modifions notre droit coutumier fondamental et nos lois que pour répondre aux conditions toujours changeantes d'une société complexe.

À mon avis, les besoins de l'avenir ne peuvent pas être prévus aujourd'hui. Même si nous avons une excellente opinion de nous-mêmes, nous ne pouvons pas nous projeter dix, quinze, vingt ou cent ans dans l'avenir. Nous ne pouvons pas tout prévoir. Je suis convaincu qu'il est préférable de permettre aux juges de demain d'appliquer les principes d'aujourd'hui, plutôt que de figer nos lois avec des expressions pompeuses qui ne sont valables que dans le contexte d'aujourd'hui. Les mécanismes efficaces permettant à tous de profiter de nos droits sont aussi importants pour notre patrimoine que la définition de ces derniers.

Je n'enumerai pas la Conférence avec une énumération détaillée des inconvénients de la codification des droits garantis par le droit coutumier, ces inconvénients sont discutés de façon exhaustive par beaucoup de juristes éminents.

Je voudrais cependant vous faire remarquer, par exemple, que le respect de l'espace aérien est un exemple auquel nous pourrions recourir. En 1867, ce droit aurait très bien pu être considéré comme un droit fondamental par les Pères de la Confédération, s'ils avaient essayé de rédiger une charte sans penser un seul instant, ce qui est tout à fait naturel, aux voyages aériens. Quelles

Les droits individuels, à la fois sur le plan fédéral et sur le plan provincial, étaient protégés par les tribunaux et par le Parlement, au niveau fédéral, ou par les Assemblées législatives provinciales. Tel a été le cas dans le Québec où le droit civil a été codifié. En effet, comme l'Assemblée législative de cette province pouvait modifier la loi, la protection des citoyens venait de cette institution plutôt que d'une déclaration des droits de l'homme.

Telle a été la situation au Canada pendant plus de cent ans, en dépit de la Charte des droits de l'homme (1960), adoptée par le Parlement du Canada, qui est une simple énumération des droits existants et permanents.

Si nous envisageons le système qui est le plus souhaitable pour le Canada aujourd'hui, je me permettrais d'avancer que nous devons étudier soigneusement cette question et que c'est très certainement à ceux qui se prononcent en faveur d'un changement qu'il incombe de le justifier, et cela d'autant plus qu'il n'est pas possible de déceler d'injustices graves dans le système actuel.

Cette question, monsieur le premier ministre, me rappelle cette histoire à propos d'une coutume qui existait, dit-on, dans une cité de la Grèce antique. Celui qui était en faveur d'une nouvelle loi devait l'afficher sur une grande caisse et s'y tenir debout avec une corde autour du cou. Si les citoyens étaient d'accord, ils enlevaient la corde. Au contraire, s'ils n'étaient pas d'accord, ils enlevaient la caisse. Ainsi évitait-on une prolifération excessive des lois.

Bien entendu, je ne propose nullement que l'on ait recours à cette épreuve aujourd'hui, et encore moins avec l'un d'entre nous. Cependant, je voudrais que nous examinions les institutions auxquelles nous essayons d'incorporer de nouvelles idées, afin de voir si elles ont vraiment besoin de l'adjonction de ces nouveautés pour être améliorées. La question n'est donc pas de savoir si certains droits doivent être reconnus, et comment y arriver, car les droits existent déjà et ils peuvent être facilement appliqués. Le véritable problème consiste à déterminer si nous pouvons améliorer les garanties traditionnelles et familiales du droit coutumier quelle que soit l'excellence de nos intentions, en insérant une nouvelle conception dans notre constitution, celle d'une Charte des droits qui sera incorporée à notre constitution écrite.

Je crois que M. Wishart avait tout à fait raison de faire remarquer que son système fonctionne bien. Il ne faut donc pas s'attaquer à un domaine où nous assurons déjà une protection aux Canadiens pour essayer d'y faire quelque chose, quelque chose de nouveau ou de différent, simplement parce que cela semble être une chose souhaitable dans les conditions actuelles. Basons nous sur les résultats pratiques. Cette règle énoncée par M. Wishart doit nous guider lors de l'étude de cette question.

Le droit coutumier n'existe pas dans tous les pays. En Europe continentale, de nombreux pays ont créé un système de droit entièrement différent. Bien des Etats qui n'ont pas vu l'évolution du droit coutumier et du principe de la légalité ont dû garantir les droits et les libertés individuels par des chartes des droits de l'homme, sous une forme ou sous une autre. L'histoire constitutionnelle de ces différents pays abonde en exemples de ce genre d'évolution.

A mon avis, nous devons nous efforcer de déterminer d'une façon logique ce qui correspond aux intérêts réels de tous les Canadiens. Nous devons tenir compte des cent années d'expérience du Canada en tant que nation, autrement dit de notre patrimoine et de nos traditions sous leurs formes actuelles, et des avantages ainsi que des inconvénients du système que nous avons développé ici, et des autres systèmes qui ont pu se développer dans d'autres pays et dont nous pouvons tirer certaines leçons, à savoir s'il serait bon de s'en inspirer ou non.

Je crois que si l'on examine ce qui existe aujourd'hui au Canada et dans les provinces, on constate qu'il y a une constitution écrite assez limitée, que nous connaissons tous, et c'est d'ailleurs ce dont nous parlerons ici durant trois jours.

L'Acte de l'Amérique du Nord britannique prévoit les organes de gouvernement et la répartition des compétences entre eux. Voilà déjà une différence par rapport à la constitution du Royaume-Uni. Naturellement, mais cette différence se limite au strict minimum. Le Canada a été créé à partir des anciennes colonies, et comme de nouvelles institutions étaient créées, il a été nécessaire de les incorporer dans les lois. Comme on prévoyait un Etat fédéral, il fallait qu'il y ait une répartition des compétences. Une mesure législative a été adoptée pour tenir compte de ces conditions particulières, il n'a cependant pas été prévu qu'elle se rapporterait aux droits individuels.

Grâce au système que nous avons aujourd'hui nos droits sont sans limites, à l'exception de celles prévues expressément par le droit coutumier lui-même, c'est-à-dire que les droits d'un homme s'arrêtent au moment où ils empiètent sur ceux d'autrui, ou encore par un texte de loi. La réglementation des droits par le Parlement a été introduite par voie d'amendement au droit coutumier, à ses règles, ou dans les domaines auxquels ne s'appliquait pas le droit coutumier, la législation sociale par exemple. Cependant il s'agissait alors de droits particuliers prévus à certains moments, dans des conditions sociales ou juridiques particulières, afin d'amener une meilleure forme de liberté individuelle.

Très tôt, le droit coutumier a reconnu les droits de l'individu. Un système judiciaire indépendant et un Parlement responsable devant l'électorat sont venus les garantir.

Donc, à l'intérieur des territoires régis par le droit coutumier il n'a pas été utile, il n'était peut-être même pas souhaitable, de réglementer les droits grâce à un document constitutionnel particulier. Ces droits existaient, et l'on pouvait mettre l'accent sur la garantie de leur application.

Le Canada a hérité d'un système de droit coutumier et nous l'avons développé au cours des cent dernières années afin de l'adapter aux conditions particulières qui existent dans notre Etat fédéral et à l'évolution des conditions sociales et économiques qui se manifestent pour nous tous, dans les différentes régions du pays où nous vivons.

Je m'arrête quelques instants pour commenter ce qu'a dit M. Wishart au sujet du système ontarien, dont il peut, à mon avis, être justement fier.

Il a dit qu'il ne désire pas que les questions qui sont actuellement réglées par sa Commission, si je l'ai bien compris, soient diminuées de quelque façon que ce soit ou soient incorporées à la Charte des droits de l'homme, -- d'ailleurs, si mon interprétation est erronée, vous pouvez me le dire. Il a évalué la situation comme je viens de le faire. Ce système fonctionne bien en Ontario. Je pense que lorsque nous étudierons ce problème, -- et je suis certain que nous le ferons aux réunions des prochains généraux et aux réunions ultérieures de cette Conférence plénière, -- il faudra ne pas oublier cet élément.

Nous nous trouvons donc dans des conditions extrêmement enviables au Canada aujourd'hui. Nous n'avons pas un système absolument parfait, bien sûr, car il est basé sur des institutions que l'homme a créées et les institutions créées par l'homme ne sont pas parfaites, -- elles ne sont pas parfaites, -- mais notre situation est enviable car nous avons ce que l'on pourrait appeler l'essence d'une société civilisée ou l'ordre règne.

Rt je crois qu'il est bon de noter que ces conditions ne sont pas tombées du ciel et qu'elles ne découlent pas, non plus, d'une quelconque doctrine abstraite conçue par un théoricien utopiste, ou quoique ce soit du même genre; pour moi, c'est plutôt à la sagesse des Pères de la Confédération, qui ont su garantir le maintien et le développement du droit coutumier anglais dans notre pays, que nous devons, à la base, le climat favorable à la liberté individuelle qui existe au Canada aujourd'hui.

Essayons maintenant de définir la réalité qui est au coeur même de notre patrie, celle dont nous jouissons aujourd'hui au Canada, le principe de la légalité" recouvre au moins trois principes.

Premièrement, qu'aucun homme ne peut être puni sans s'il a commis une infraction précise à la loi et que cela est prouvé en suivant une procédure ordinaire devant les tribunaux ordinaires.

Deuxièmement, que tout homme est soumis aux lois ordinaires du pays, du Royaume.

Troisièmement, que dans les cas particuliers, les droits individuels sont définis par décision judiciaire.

Ces principes historiques, ainsi que le pouvoir du Parlement souverain et des assemblées souveraines, chacun dans le domaine qui lui est propre, qui adapte nos lois selon les besoins, sont la base des libertés dont nous jouissons au Canada. Je pourrais ajouter, et voilà qui est très important, que ce système donne de bons résultats.

qui traitera de ce sujet.

LE TRÈS HONORABLE P.E. TRUDEAU: L'honorable monsieur Lyon.

L'HONORABLE S.R. LYON: Monsieur le premier ministre, j'ai écouté avec le plus grand plaisir mon distingué collègue de l'Ontario, monsieur Wishart, qui nous a exposé la position de son gouvernement vis-à-vis du projet de Charte des droits de l'homme. Qu'il me soit permis de dire d'emblée que notre gouvernement, lui aussi, est pour le peuple et pour l'homme, -- je crois que ce sont les termes qu'a employés aujourd'hui le ministre de la Justice, -- notre gouvernement, lui aussi, est pour la préservation et le développement des libertés civiles dans notre pays. D'ailleurs, je crois que c'est vraiment un sujet que nous pouvons discuter librement et ouvertement autour de cette table, car personne ici n'ira dire qu'il s'oppose à la préservation et au développement des libertés civiles de nos citoyens. En fait, il est probable que notre débat ne sera qu'une discussion académique au sujet de la meilleure méthode à adopter pour atteindre ce résultat.

Qu'il me soit permis de dire que je suis très heureux de l'initiative du premier ministre, qui, en tant que ministre de la Justice, a été le premier à lancer cette idée. Je suis également heureux que son ministre de la Justice, monsieur Turner, nous soumette cette question fondamentale car, à mon avis, cela nous donne la possibilité d'examiner nos institutions actuelles pour voir dans quels domaines elles ne servent pas les Canadiens aussi bien qu'elles le pourraient, et pour adopter, le cas échéant, de nouvelles méthodes afin de garantir les libertés individuelles des citoyens du Canada.

Cependant je partirai de la proposition fondamentale suivante, et à mon avis il est approprié de bien la marquer: Les Canadiens jouissent à l'heure actuelle de libertés et de droits individuels sur une base au moins aussi large que celle de n'importe quel autre peuple. À mon avis, c'est de ce critère essentiel que notre discussion doit partir. En effet nous rendrions un bien mauvais service aux Canadiens (et je suis certain que ce n'est pas ce que le ministre de la Justice veut faire) si nous prétendions, de quelque façon que ce soit, que nous avons besoin d'une nouvelle charte des libertés civiles, ou des droits individuels, au Canada parce que leur application est parfois insuffisante dans le cadre de notre système actuel.

Le temps a démontré que certains droits pouvaient être mieux protégés par des garanties constitutionnelles alors que pour d'autres une mesure législative était plus efficace. Une fois que nous aurons décidé quels droits et quelles libertés se trouveront mieux protégés par une garantie constitutionnelle, il nous faudra déterminer la meilleure façon d'incorporer cette garantie à la constitution. Notre but devrait être une constitution qui est alignée sur notre système politique. Les droits politiques dont j'ai parlé font partie de notre société politique, sous sa forme actuelle, et nous voulons les voir se continuer. Ils doivent donc être inscrits dans notre constitution. La Conférence constitutionnelle a les organismes nécessaires pour décider quelles modifications nous voulons faire à la constitution, bien que nous n'ayons pas encore de dispositif de modification.

Nous nous mettrons peut-être d'accord là-dessus, j'espère, afin de garantir les droits tout à fait essentiels. Je crois que ce serait une magnifiquement réalisation à notre actif, comme l'a dit mon collègue, si je peux me permettre de l'appeler comme cela, le ministre de la Justice et procureur-général du Canada, un but magnifique, une très belle réalisation. Mais une fois cela acquis, nous devons l'incorporer à la constitution, et pour l'instant cela nous obligerait à nous rendre à Westminster.

Il y a un autre objectif magnifique qui, j'espère, pourrait être atteint ici (avec le personnel qui est réuni ici cela ne soulèverait pas de difficultés)--je ne dis pas que l'on pourrait l'atteindre aujourd'hui, mais il me semble que se serait un objectif magnifique que de trouver une façon grâce à laquelle nous pourrions modifier notre constitution, une méthode d'amendement. Lorsque nous nous rendons à Westminster, avec le résultat de nos travaux pour modifier la constitution, nous pourrions dire: "C'est la dernière fois que nous venons vous déranger." J'espère que nous essaierons aussi d'atteindre cet objectif.

L'HONORABLE J.N. TURNER: Je vous assure que l'on pavoiisera ce jour-là, Arthur.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Wishart.

L'HONORABLE W. WEIR: Puis-je passer la parole à l'honorable Sterling Lyon, procureur général du Manitoba,

d'une aide légale pour ceux qui en ont besoin est parmi les conditions fondamentales de toute garantie des droits juridiques. Les chiffres que je viens de citer vous auront permis de voir l'importance d'un tel programme.

Il y a plusieurs façons d'assurer la mise en oeuvre des droits juridiques. Afin de mieux comprendre les problèmes particuliers qui doivent être résolus à cet égard, il importe de s'en rapporter à l'expérience accumulée des organismes qui sont chargés de la mise en oeuvre de notre système au jour le jour, entre autres, les membres du Barreau et les tribunaux. De plus, les conséquences possibles d'une garantie constitutionnelle des droits juridiques n'ont encore fait l'objet d'aucune étude sérieuse. Nous devons aborder l'étude de cette question très sérieusement. Si notre formulation des droits juridiques doit être autre chose qu'un document que nous n'aurions rédigé que pour apaiser notre conscience, il nous faudra trouver des moyens de traduire ces droits dans des mesures concrètes afin d'en assurer la jouissance à ceux qui en ont besoin.

Lorsque nous garantissons un droit, il faut que nous soyons certains de pouvoir sanctionner cette garantie. Entre-temps, nous pourrions continuer à revoir nos statuts, soit au moyen d'une commission de réforme ou autrement. Il est possible d'avoir des maintenant des résultats par l'introduction de mesures législatives. Il n'est pas nécessaire d'attendre l'incorporation d'une charte des droits et la modification de la constitution pour agir dans le domaine des droits. En fait, nous devons étudier de très près les aspects tant négatifs que positifs d'une garantie constitutionnelle des droits juridiques.

Les droits linguistiques sont dans une catégorie à part, du moins chez-nous, et ils sont un élément de base de notre fédération. Les discussions que nous avons eues ces jours-ci, ainsi que celles des réunions précédentes, démontrent bien que pour plusieurs raisons c'est là une question à part. De toute évidence, cette catégorie de droits doit être traitée en elle-même et non comme une sous-catégorie de notre propos actuel. C'est là un domaine où des mesures législatives ordinaires semblent avoir été la façon la plus efficace de corriger les injustices. Les changements apportés par l'Ontario à son système scolaire et le projet fédéral de Loi sur les langues officielles sont de bons exemples de ceci.

Cette Commission est dans une situation unique qui lui permet de faire des propositions fondées sur l'expérience. Je considère que la Commission est un organisme de recherches permanent dans le domaine juridique, afin d'améliorer l'administration de la justice qui s'intéresse essentiellement aux droits de nos citoyens.

Si nous incorporons un grand nombre des droits dans la constitution, je pense immédiatement qu'il faut atteindre cette sauvegarde, afin d'atteindre ce bouclier, afin d'atteindre la protection de ces droits, il faudrait s'adresser au tribunal le plus élevé au Canada pour en avoir l'interprétation, alors qu'en ce qui concerne les droits dont je parle, qui figurent dans nos statuts, qui se rapportent à la procédure quotidienne des tribunaux de juridiction provinciale, le droit est à portée de la main, il est rapidement déterminé, et il peut être appliqué.

Il y a un autre aspect des droits juridiques qui nous intéresse. L'application de la loi est une question fort complexe et il ne sert à rien d'avoir des droits juridiques à moins d'organiser l'administration de la justice en fonction des besoins de l'individu qui en jouit. Il arrive souvent que l'individu qui a des droits ne peut s'en prévaloir. En Ontario nous sommes rendu compte qu'à moins d'une intervention gouvernementale il se trouvait y avoir une application différente de la loi selon qu'un individu était riche ou pauvre. C'est pourquoi nous avons mis sur pied en 1967 le Régime d'assistance judiciaire ontarien. Ce régime a été créé en collaboration et avec l'aide du Barreau de notre province.

Selon ce régime, un avocat est en fonctions à la Cour du magistrat et à la Cour familiale. Son rôle est de faire savoir aux accusés quels sont leurs droits juridiques. Dans les causes criminelles, cet avocat s'occupe de faire la plaidoirie avant le prononcé de la sentence chaque fois que le prévenu décide de plaider coupable après avoir été mis au courant de ses droits. Ces services sont disponibles en tout temps, que l'accusé qui les demande puisse les payer ou non.

La encore, on juge de la validité d'un système par ses résultats. Au cours de cette première année, soit en 1967-1968, le régime d'assistance judiciaire a fourni à plus de 77,000 personnes qui désiraient s'en prévaloir les services d'un avocat. En ce moment, plus de 1,000 personnes par semaine profitent de ce régime. La disponibilité

servent de base à ces droits juridiques.

Mais l'expérience nous a montré que l'interprétation judiciaire de certains de ces principes peut varier de temps à autre, et je crois que cela doit se produire dans un système démocratique qui doit évoluer.

Nous devons donc être prudents, je crois, et éviter de confondre les principes, -- c'est-à-dire les grands principes des droits et des libertés, -- avec les réformes administratives.

Je pourrais signaler rapidement que nous avons étudié activement ce domaine de nos lois afin de garantir les droits de nos citoyens. Il y a eu d'abord la nomination de l'honorable J.C. McRuer en 1964 pour diriger une enquête approfondie sur ces questions. Nous avons beaucoup retiré de son premier rapport. Parmi les lois ontariennes qui se fondent sur ce rapport, on trouve la nouvelle Loi sur les expropriations et la loi que nous sommes à rédiger sur les ingénieurs de métier.

Je pourrais vous dire que nous avons réussi, depuis que nous avons reçu le rapport l'année dernière, à incorporer 150 des recommandations qui ont été formulées dans des mesures législatives et à mettre ces dernières en vigueur.

La deuxième partie du rapport McRuer, qui devrait paraître sous peu, traitera d'une Charte des droits de l'homme. Nous croyons que ses recherches vont contribuer à la compréhension du problème.

Voilà comment nous avons été des plus actifs dans le domaine de la protection des droits de l'homme. Je crois vraiment que nous avons fait beaucoup pour atteindre notre but.

J'espère qu'en m'écoutant, vous n'oubliez pas la distinction que j'ai faite entre les droits absolument fondamentaux et ceux qui, à mon avis, peuvent être protégés au mieux par des mesures législatives.

Nous avons également la Commission des réformes juridiques de l'Ontario, créée aussi en 1964, qui a consacré beaucoup de temps à l'étude de l'ensemble de notre droit. Elle nous a soumis des recommandations permettant d'améliorer notre droit statuaire. Son travail sera de nature permanente.

La garantie écrite de ces droits pourrait très bien nous éloigner de notre objectif qui consiste à éliminer la discrimination de façon efficace. Est-ce vraiment ce que nous voulons, si c'est ce qui risque de se produire?

Je crois que nous pourrions fort bien répondre: "Non, ce n'est pas le résultat que nous recherchons." Nous voulons en fait attaquer la discrimination au Canada avec un maximum d'efficacité, grâce à un Code des droits de l'homme et à des commissions, plutôt qu'en prévoyant des garanties écrites dans la constitution, car, à mon avis, c'est une façon efficace de s'attaquer à ce problème. Il est hors de doute que notre expérience nous conduit à cette conclusion.

Je crois qu'il serait utile que tous les gouvernements provinciaux considèrent la possibilité d'adopter des lois semblables dans un effort d'uniformisation. Ils pourraient prendre en exemple la loi ontarienne, qui a d'ailleurs servi de modèle pour bon nombre de lois canadiennes dans ce domaine. Nous sommes prêts à partager les connaissances que nos organismes gouvernementaux ont accumulées dans ce domaine depuis 18 ans, selon notre habitude. Si cette suggestion est acceptable, elle devrait avoir pour résultat l'extension à tous les Canadiens de la protection la plus efficace possible contre la discrimination. Ceci est certainement notre but. Il se peut qu'il y ait d'autres façons d'atteindre le but visé qui soient tout aussi efficaces que celle que je propose.

Maintenant, il y a d'autres droits, les droits que j'appellerais, -- je crois d'ailleurs que les publications qui nous ont été données leur donnent ce nom, -- "les droits juridiques". Ces droits sont assez différents de ceux dont j'ai déjà parlé.

Certains se rapportent à la procédure criminelle, et on les trouve traités au Code criminel du Canada. D'autres se rapportent aux procès en matières civiles. Ils sont réglementés par la législation provinciale.

Je pourrai peut-être parler des articles du Code se rapportant à la procédure, -- de nos règles régissant la preuve, de notre droit de la preuve. Il s'agit là de droits juridiques, j'en suis convaincu, qui sont du ressort du gouvernement fédéral. Ceux-ci sont précisés dans le Code, soit la loi fédérale qui se rapporte aux droits des gens auxquels on tente des poursuites criminelles devant nos tribunaux. Personne ne met en doute les principes qui

Le Code des droits de l'homme prévoit aussi l'étude par la Commission des plaintes qui sont portées à sa connaissance. Lorsqu'on constate des manifestations de discrimination, on essaie de résoudre la difficulté en convainquant les responsables, quels qu'ils soient, de se réformer. Il est indispensable pour cela de disposer d'une loi qui permette d'appuyer l'action de la Commission. Mais si la persuasion ne permet pas d'arriver à des résultats, on a prévu une Commission d'enquête qui doit se réunir, approfondir l'étude de la plainte et faire rapport. Et enfin, on peut avoir recours au dispositif judiciaire, mais seulement en dernière analyse lorsque tous les autres moyens ont été essayés. La Commission a étudié plus de 8,000 plaintes depuis que le Code a été établi sous sa forme actuelle en 1962. Environ 1,600 de ces plaintes ont fait l'objet d'une enquête préliminaire. Parmi ceux-ci, 50 seulement, -- et je le répète, 50 seulement -- sur 1,600 cas ont demandé la nomination d'une Commission d'enquête. De plus, la Commission n'a dû avoir recours à des mesures judiciaires pour obtenir satisfaction que dans deux cas seulement. De plus, la Commission a été très active dans le domaine de l'éducation, elle a fait un travail tout à fait admirable au niveau de l'anti-discrimination.

Sur la base de cette expérience, il est difficile de croire qu'il serait possible de mettre en place des mécanismes plus efficaces que ceux dont nous disposons actuellement en Ontario pour garantir le respect de ces droits importants. Après tout, notre objectif consiste à assurer une protection réelle, non à rédiger une charte. J'espère que ce que j'ai dit montre clairement que notre position ne vient n'y d'un refus de nous engager à éliminer la discrimination, n'y d'un désaccord avec le principe d'après lequel nous devons protéger les citoyens aussi bien que nous le pouvons.

Je ne suis pas certain qu'il serait bon de modifier une méthode qui a fait ses preuves en prévoyant une garantie constitutionnelle écrite, qui pourrait créer une méthode moins souple et peut-être moins efficace d'arriver à nos fins. Comme je l'ai dit, en Ontario, notre programme est caractérisé par un recours à la conciliation et à l'éducation, appuyées par une sanction légale. Je crois que nous devons demander si une garantie constitutionnelle des droits, qui prévoit un recours direct aux tribunaux pour s'appliquer, est préférable à notre méthode de conciliation et de persuasion qui a déjà fait ses preuves.

seraient mieux assurés à l'individu par des mesures législatives.

C'est pourquoi je pense qu'il est important, lorsque nous discutons cette question, que nous déterminions, tout d'abord, quels droits nous garantirons dans la constitution écrite, puis nous verrons comment nous pourrions protéger et appliquer au mieux les divers droits dont nous disposons et qui nous sont précieux.

Le droit de l'individu à la protection contre la discrimination en raison de sa race, de sa foi, de sa couleur ou de ses origines nationales soulève un problème particulier. Il faut des mesures législatives importantes pour le mettre en oeuvre. C'est pourquoi j'insiste sur le fait qu'il y a une grande différence entre ces droits et le droit à la liberté de culte, le droit à la liberté de parole, le droit de réunion. Il n'est pas nécessaire d'appliquer ces droits politiques grâce à des mesures législatives.

Cependant, en ce qui concerne ces autres droits comme le droit à être protégé contre la discrimination, il faudra prévoir des mesures législatives importantes pour leur donner une signification réelle.

En Ontario, en nous basant sur notre expérience de l'administration de notre Code des droits de l'homme, nous savons quelles mesures législatives sont nécessaires. Notre législation contre la discrimination est, à notre avis, la plus avancée de son genre en Amérique du Nord. En fait, en toute justice, nous pensons pouvoir dire que c'est la plus avancée au monde.

Elle s'applique par le truchement de la Commission ontarienne des droits de l'homme, qui étudie les problèmes existants et qui met au point une procédure détaillée permettant de les résoudre. C'est ainsi que les dispositions du Code permettent d'éliminer beaucoup mieux la discrimination que ce n'est le cas pour la plupart des déclarations des droits de l'homme prévues dans les constitutions des pays étrangers.

Je m'arrêterai maintenant un instant pour signaler que, si l'on examine certains des pays où les droits de l'homme sont garantis dans des chartes, on constate que les droits de l'individu n'ont pas toujours été protégés de façon efficace.

L'HONORABLE A.A. WISHART: Je pense que la question qui se pose ici est celle de savoir si les écrits de ce genre dépassent notre conception de la liberté de parole ou de la liberté de presse. Il s'agit de déterminer si ce genre d'écrit dépasse les bornes de la liberté.

Il me faudrait je crois examiner le document pour me prononcer. Je pourrais alors, sans doute, vous donner une réponse raisonnable.

Je ferais remarquer que la Convention européenne des droits de l'homme, qui a été signée en 1950 par les membres du Conseil de l'Europe, nous fournit un exemple d'une charte qui définit la différence entre la liberté d'un individu et son empiètement sur la liberté des autres. Et si nous incorporons ces droits politiques dans un texte constitutionnel, il sera important, à mon avis d'indiquer, peut-être dans le préambule de la constitution, ou dans l'article qui se rapportera à ces droits, les limites qui devront être observées et dont les tribunaux devront tenir compte lorsqu'ils auront à interpréter cette partie de la constitution.

Il y a des droits autres que les droits politiques. A l'heure actuelle, il existe une conception générale des droits de l'individu. Et nous leur donnons, je crois, une nouvelle dimension.

Nous parlons des droits du consommateur; nous avons des lois concernant le consommateur. Nous parlons des droits du locataire; nous avons des lois régissant les rapports entre le propriétaire et le locataire. Il y a le droit à la sécurité de la vieillesse, le droit à un niveau de vie minimum, le droit à l'éducation. Ce ne sont que quelques exemples. Et la liste est fort longue. Tous ces éléments contribuent au développement de l'individu. Et même, dans de nombreux cas, ils sont indispensables à la pleine réalisation du potentiel de chaque homme en tant qu'être humain et en tant que membre de la société. C'est dans ce sens que ce sont des droits dont les Canadiens devraient pouvoir jouir.

Néanmoins, j'essaie d'établir une distinction entre ces droits et les droits politiques fondamentaux. Je dirais qu'il y a certains droits qui ne devraient peut-être pas être garantis dans la constitution et qui

Ces libertés sont les pierres angulaires de notre système démocratique de gouvernement. A mon avis, il serait tout à fait souhaitable de les incorporer en fin de compte à notre constitution. Je dirais d'ailleurs, Monsieur le premier ministre, que nous sommes en faveur d'une telle mesure.

Il faut signaler un facteur relatif à ces droits politiques fondamentaux; en effet, il n'est pas nécessaire de prévoir d'importantes mesures législatives pour les protéger. Il n'est pas nécessaire de prévoir toutes sortes de lois pour qu'ils soient appliqués. Si vous étudiez tous les droits que j'ai mentionnés, vous constaterez que tel est le cas.

Il ne faut cependant pas oublier que dans toute société, et en particulier dans notre société libre, il existe certaines limitations minimum à l'exercice de la liberté individuelle. Ces limitations fixent le point jusqu'où nous pouvons aller sans empiéter sur la liberté d'autrui. Elles comprennent, par exemple, la protection de l'individu contre la diffamation et la calomnie. Lorsqu'on considère la liberté de parole, elle ne suppose pas, ne donne pas le droit de diffamer ou de calomnier un autre citoyen.

La liberté de la presse, qui nous est précieuse, comporte je crois une limite: en effet la presse, même si elle peut se montrer aussi critique qu'elle l'entend, ne doit pas plaider en faveur du renversement par la violence de notre gouvernement démocratique.

Voilà certaines des limitations qui devront rester présentes à notre esprit. La liberté d'assemblée, la liberté de manifestation, doivent comporter, je crois, certaines limites, elles ne doivent pas empêcher trop longtemps ou trop gravement les activités libres et légales des autres citoyens.

Voilà certaines des limitations que nous appliquons même à nos libertés politiques essentielles.

L'HONORABLE T. J. ROBICHAUD: Puis-je poser une question? Est-ce que ces limites se rapporteraient également à la distribution de la littérature haineuse, telle que celle qui a été distribuée aux premiers ministres aujourd'hui à l'hôtel?

"Attendu que la reconnaissance de la dignité inhérente à la personne humaine et des droits légaux et inaliénables de tous les membres de la famille humaine est la base de la liberté, de la justice et de la paix dans le monde, qu'elle est conforme à la Déclaration universelle des droits de l'homme proclamée par les Nations-Unies, l'Etat ontarien garantit que toute personne, quelle que soit sa race, sa croyance, sa couleur, sa nationalité, ses ancêtres et son lieu d'origine, est libre et égale en dignité."

Voilà ce qu'on peut lire dans le préambule, vous avez là un exposé de ce qu'a été, de ce qu'est, et de ce que sera à l'avenir la politique de l'Ontario.

En février dernier, juste avant la Conférence constitutionnelle fédérale-provinciale, le gouvernement fédéral a proposé l'adoption d'une Charte des droits de l'homme qui devait être incorporée à notre constitution écrite. À ce moment là, nous avions extrêmement peu de temps pour étudier la proposition aussi sérieusement qu'elle le méritait, à notre avis. Notre position était celle-ci: nous étions en faveur de la proposition et nous pensions qu'elle devait être étudiée en même temps que les autres questions se rapportant à notre constitution. Au cours de l'année qui s'est écoulée depuis, nous avons étudié cette idée ainsi que d'autres questions et nous en sommes arrivés à certaines conclusions.

À mon avis, il y a certaines libertés essentielles qui sont à la base même du gouvernement démocratique, entre autres, la liberté de conscience et de religion, la liberté de parole, la liberté de réunion et d'association, la liberté de presse, et je voudrais ajouter le droit de vote.

La brochure du gouvernement fédéral intitulée "Charte canadienne des droits de l'homme" qui a été publiée en février dernier, mentionne ces droits au titre des droits politiques. Il s'agit ici, j'en suis convaincu, de droits inhérents à l'homme, qui sont fondamentaux, et que tout le monde accepte. Ils sont à base de notre type de société. Ils créent le cadre dans lequel toutes nos institutions, notre société et notre gouvernement fonctionnent.

Dans cette perspective, Monsieur le premier ministre, c'est là notre point de vue.

La Charte canadienne des droits de l'homme (1960) a marqué une étape importante. Certaines assemblées législatives provinciales ont également pris des mesures importantes, et ces dernières marquent certainement des progrès dans la bonne direction. Mais si nous sommes réellement convaincus que le gouvernement est au service du peuple, de l'homme, et non que l'homme est au service du gouvernement, il ne peut y avoir de bases rationnelles aux craintes soulevées par une Charte constitutionnelle des droits de l'homme. Il n'y a d'ailleurs pas de doutes que nous puissions nous mettre d'accord et définir ces questions -- d'ailleurs il s'agit de valeurs humaines que nous considérons tous comme étant fondamentales et qui ne devraient être remises en question par aucun gouvernement, où qu'il se trouve.

Notre unité nationale ne s'en trouverait-elle pas considérablement renforcée si nos citoyens pouvaient dire que, quelque soit l'endroit où ils vivent au Canada, ils détiennent certains droits fondamentaux et que ces droits fondamentaux sont le patrimoine commun de tous les Canadiens. Que ces droits soient uniformément respectés par tous les paliers de gouvernement, fédéral ou provincial, partout, voilà quelle est notre requête, voilà quel est le défi que nous voulons porter aux provinces pour qu'une Charte constitutionnelle des droits de l'homme soit mise en vigueur.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, Monsieur Turner.

Le débat est ouvert.

Avez-vous des remarques à formuler, Messieurs?

L'HONORABLE J.P. ROBERTS: Puis-je demander à M. Wishart de parler au nom de l'Ontario?

L'HONORABLE A.A. WISHART: Monsieur le premier

ministre, mesdames et messieurs, je crois qu'il serait approprié, comme il est ici question de la Charte des droits de l'homme, et en particulier de la garantie de ces droits dans notre constitution, que vous me permettiez de citer une partie du préambule du Code ontarien des droits de l'homme.

L'HONORABLE J.N. TURNER: Monsieur le premier ministre, je n'oublierai pas que vous m'avez dit de parler "brèvement". Messieurs, depuis un certain temps, dans l'élaboration de la politique fédérale, nous donnons priorité aux droits fondamentaux dans le cadre de cette révision globale du processus constitutionnel, et nous sommes d'avis qu'une fois que les droits des individus seront définis et protégés de façon satisfaisante, alors nous pourrions nous occuper des droits des gouvernements.

Nous tenons à déclarer à la Conférence qu'une charte garantissant les droits de l'homme mettrait fin aux actes de l'Etat ou des particuliers qui seraient contraires à ces droits, et qu'elle ne pourrait modifier que par voie d'amendement à la constitution.

Nous reconnaissons que, -- et on a d'ailleurs attiré mon attention là-dessus lors de mon voyage dans tout le pays, -- certaines provinces s'opposent à cette limitation de la suprématie législative des Assemblées législatives ou du Parlement. A notre avis, les limitations à la souveraineté absolue d'une assemblée législative ou d'un parlement, ne sont pas quelque chose de nouveau, même dans la tradition du droit coutumier. La Grande Charte de 1215 et la déclaration des droits de l'homme de 1869 ont imposé une souveraineté nouvelle, c'est-à-dire la souveraineté du Parlement, et loin de moi la pensée, Monsieur le premier ministre, de déprécier la souveraineté parlementaire qui nous a très bien servie et qui est une des traditions qui nous tient le plus à coeur. Cependant, je voudrais déclarer, de la part du gouvernement du Canada, que la souveraineté parlementaire et le gouvernement parlementaire ont bien changé. Nous savons tous quelle complexité le gouvernement a atteint, à quel point il s'est diversifié et quelle bureaucratie il a multipliée. Je crois que l'une des insultes les plus populaires maintenant est le mot "bureaucratie".

Eh bien, je crois que nous risquons plus que jamais de voir l'Etat grignoter petit à petit les droits des particuliers. C'est ce que Lord Hewart appelait le nouveau despotisme.

Nous pensons qu'il nous faut aider les parlementaires, qu'ils soient membres du Parlement du Canada ou des Assemblées législatives des provinces, à préserver les libertés et les droits fondamentaux.

L'HONORABLE J.-J. BERTRAND: ... des modalités, des amendements possibles dont vous avez parlé, des réserves que nous avons faites tantôt, ou que j'ai faites quant aux districts bilingues, tout ça, ce sont tous des problèmes que nous pourrions discuter lorsque nous aurons une consultation avec le ministre de la Justice?

LE TRÈS HONORABLE P.E. TRUDEAU: Oui. Il est possible qu'à ce niveau, au niveau de la définition des districts, au niveau de l'application du bill, à supposer qu'il est constitutionnel, les réunions devraient procéder, non pas avec le ministre de la Justice, mais peut-être avec d'abord le comité des fonctionnaires qui pourrait négocier les districts, ou voir s'il ne pourrait pas modifier notre conception des districts; et ultérieurement, ça serait peut-être des ministres de l'Éducation, de la Culture, ou notre secrétaire d'État qui voudraient faire rapport au comité. Alors, je tiens les deux.

L'HONORABLE J.-J. BERTRAND: Pour bien établir le lien, étant donné qu'on voudrait d'abord établir le lien avec le ministre de la Justice, est-ce qu'on pourrait s'entendre que c'est avec lui qu'on communiquerait; et s'il y a lieu, c'est le ministre de la Justice qui verra à référer les problèmes aux autres ministres. Autrement, il faudrait avoir, à ce moment-là, une réunion peut-être du ministre des Affaires culturelles, de l'Éducation et de la Justice.

LE TRÈS HONORABLE P.E. TRUDEAU: C'est pourquoi je suggère que ce soit le comité des fonctionnaires qui discute de l'application, que le ministre de la Justice s'occupe de l'aspect légal ou constitutionnel.

L'HONORABLE J.-J. BERTRAND: Le sous-comité qui a été formé, et le comité. Très bien.

(TRADUCTION)

LE TRÈS HONORABLE P.E. TRUDEAU: Nous sommes donc d'accord? Merci. Nous pouvons maintenant passer au point suivant, l'article 4 b) de l'Ordre du jour, droits fondamentaux.

Le ministre de la Justice va exposer à nouveau brièvement la position fédérale; ensuite nous pourrions avoir une discussion et un débat sur cette question.

avoir discuté les articles particuliers du projet de loi, pourront ensuite discuter la question de savoir si l'article 153 de la constitution devrait être modifié ou non et dans l'affirmative comment il devrait être modifié. Cela nous permettra de passer à un autre point et ensuite nous aurons un rapport...

L'HONORABLE J.N. TURNER: Monsieur le premier ministre, vous parlez de la partie de la charte se rapportant aux questions linguistiques?

LE TRÈS HONORABLE P.E. TRUDEAU: Je parle de la charte se rapportant aux droits linguistiques et de toute la question de savoir si l'article 153 pourrait être modifié de la façon qui a été proposée dans le premier volume du rapport de la Commission B. et B.

Cela soulève un grand nombre de difficultés d'ordre constitutionnel. Le premier ministre Manning en a mentionné quelques-unes l'année dernière, et au lieu de nous lancer dans une discussion juridique ici, nous pouvons, je crois, nous mettre d'accord pour que les procureurs-généraux examinent la possibilité, l'opportunité ou non de modifier l'article 153. Ils pourront ensuite faire rapport à la Conférence plénière lorsque nous réunirons ultérieurement.

(FRANCAIS)

L'HONORABLE J.-J. BERTRAND: Monsieur le premier ministre, je voudrais bien vous comprendre. Pour être précis: d'abord, le comité des procureurs-généraux, des ministres de la Justice se réunirait pour examiner d'abord le problème qui a été soulevé de la constitutionnalité? LE TRÈS HONORABLE P.E. TRUDEAU: Non, pardon, - seulement ces provinces qui auraient des réserves quant à la constitutionnalité. Plusieurs provinces ont dit: d'accord, le fédéral devrait procéder.

Nous voulons que les provinces qui ont des réserves quant à la constitutionnalité de ce bill fassent des représentations au ministre de la Justice, et qu'ensuite, on voit s'il y a lieu de faire des amendements. Mais, pour ce qui est de l'application...

Si nous mettons d'accord, tout va bien, et si nous ne nous mettons pas d'accord, ce sera à nous de décider si nous voulons faire adopter le projet de loi, en laissant aux provinces le soin du renvoi aux tribunaux, ou bien au contraire, nous pourrions le renvoyer aux tribunaux nous-mêmes.

Je peux dire maintenant que nous n'avons pas encore pris de décision. Il est évident que nous préférons faire adopter le projet de loi. Son étude a été ajournée depuis longtemps en raison du retard de la Conférence fédérale-provinciale elle-même. Mais si nous sentons que beaucoup de provinces s'y opposent très énergiquement, nous pourrions peut-être revenir sur notre position. Cependant, cela ne correspond pas à ce que nous souhaitons vraiment faire. Si vous êtes d'accord, nous pourrions procéder de cette façon.

L'HONORABLE W.A.C. BENNETT: Il y a également un tout petit amendement à ce projet de loi.

LE TRÈS HONORABLE P.E. TRUDEAU: Nous sommes prêts à étudier des amendements et des améliorations. Le ministre de la Justice se fera un devoir de soumettre au Cabinet tous les amendements sur les quels il se sera mis d'accord avec les provinces, nous devons les étudier et nous en ferons des amendements d'origine ministérielle. Il est possible que le ministre de la Justice modifie mon projet de loi...

L'HONORABLE W.A.C. BENNETT: A l'étape de l'étude en comité.

LE TRÈS HONORABLE P.E. TRUDEAU: Passons au deuxième point, -- qui est sans doute plus essentiel, -- que faisons-nous en ce qui concerne la question de la garantie constitutionnelle, ou autre, des dispositions linguistiques? Nous n'avons pas atteint l'unanimité là-dessus, loin de là. Je ne crois pas non plus qu'il y ait d'accord général, cependant plusieurs provinces ont encouragé à agir ou nous ont fait savoir qu'elles sont prêtes à agir, quelques autres ont manifesté des réserves sérieuses. Plutôt que d'essayer d'arriver ici à une conclusion, je pense que nous pourrions interrompre le débat et demander au Comité des procureurs-généraux de continuer l'étude de la question. Des objections ont été soulevées quant à la possibilité de modifier la constitution d'une façon ou d'une autre, et je crois que les procureurs-généraux, après

En ce qui concerne la politique qui inspire le projet de loi, il va de soi pour moi, bien que certains ne l'acceptent peut-être pas, que c'est à nous en tant que représentants élus des Canadiens à décider de notre politique. Elle peut être bonne ou mauvaise, mais je déduis de ce qui a été dit que la politique inspirant un projet de loi fédéral ne doit pas être discutée par les gouvernements provinciaux.

La question constitutionnelle est une question importante et nous nous engageons à faire les deux choses suivantes: avant de définir ou d'appliquer les dispositions du projet de loi à un district, nous consulterons la province intéressée, comme cela est prévu dans le projet lui-même, et comme je l'ai déclaré lorsque j'ai envoyé des exemplaires du projet de loi aux premiers ministres provinciaux, disant que cela supposait une collaboration fédérale-provinciale et que nous ne nous proposons pas d'agir et de déterminer unilatéralement les districts. Voilà quelle serait la deuxième mesure.

La première mesure consisterait à décider si oui ou non nous pouvons, en application de la constitution, décider de la création de tels districts, les délimiter, ou s'il faut adopter certaines autres dispositions.

La meilleure méthode consisterait peut-être à demander aux fonctionnaires des provinces qui ont des doutes quant à la constitutionnalité du projet de loi de se mettre en rapport avec les fonctionnaires du ministère de la Justice, afin de déterminer assez précisément ce qu'ils jugent être anti-constitutionnel. Ensuite, le ministre de la Justice pourra tenir une réunion, soit ici à Ottawa, soit ailleurs au Canada. Cette réunion entre les procureurs-généraux devrait avoir lieu dès que vous serez prêts, et nous espérons que ce sera très bientôt car nous voulons avancer, discuter le principe du projet de loi en deuxième lecture, débat qui ne sert pas à régler les différends se rapportant à certains articles particuliers.

Ensuite, lorsque le projet de loi sera renvoyé en comité, nous espérons que les difficultés auront été aplanies. Dans le cas contraire, nous pourrions retarder la date pour le débat parlementaire de ces articles particuliers.

Le répéter, sauf pour dire qu'il est très satisfaisant, au moins en ce qui me concerne et sans doute aussi pour tous les Canadiens, de constater la mesure dans laquelle les provinces d'un bout à l'autre du Canada ont agi au cours de l'année écoulée pour encourager le développement de la culture et de la langue aussi bien chez les Canadiens francophones que chez les Canadiens anglophones.

Monsieur le premier ministre, les encouragements sont une chose, et les pressions en sont une autre. Je crois que c'est là que certains d'entre nous sont d'opinion contraire à ce sujet. Il est hors de doute, en ce qui nous concerne, que le gouvernement fédéral doit servir tous les Canadiens, aussi bien ceux qui parlent le français que ceux qui parlent l'anglais et les autres, mais la question qui se pose est celle de savoir s'il faut en faire une obligation, imposée par la loi, et si vous n'allez pas vraiment beaucoup plus loin encore aux termes de ce projet de loi.

Pour ce qui est de l'autorité donnée aux tribunaux, ce qui est important pour l'administration provinciale de ces tribunaux dans la province de la Colombie-Britannique, et pour les autres aspects du projet de loi, j'espère que nous pourrons nous mettre d'accord pour que cette réunion ait lieu avant que nous ne soumettions brutalement le projet de loi aux tribunaux afin de faire déterminer sa valeur constitutionnelle.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, M. Peterson.

Nous devrions, je crois, essayer de faire le point sur ce qui a été dit au sujet de cet article de l'Ordre du jour. Deux questions distinctes semblent s'être dégagées. L'une se rapporte au projet de loi sur les langues officielles du gouvernement fédéral, l'autre à la politique générale de la Conférence quant à la réforme constitutionnelle et à la garantie, à savoir s'il devrait y en avoir une ou non, portant sur l'ensemble de la question linguistique au Canada. En ce qui concerne la première question, je pense que nous sommes prêts à accepter la proposition de M. Peterson, proposition qui a également été faite, je crois, par d'autres procureurs-généraux ou premiers ministres. Cela signifierait essentiellement une consultation avec les procureurs-généraux des provinces qui pensent que le projet de loi a certaines caractéristiques anti-constitutionnelles, au sujet des parties ou articles qui, à leur avis, sont anti-constitutionnels.

nous pourrions donc nous opposer à cette action et le fait que plusieurs points de vue contraires aient été avancés à la suite de consultations juridiques avec les différentes provinces à ce sujet, en dépit du fait que le ministre de la Justice pense que sa position juridique est inattaquable, ce dernier élément à lui seul justifie que le projet de loi soit soumis aux tribunaux.

Nous serions très heureux de rencontrer le ministre de la Justice et les procureurs-général afin de savoir au moins exactement quelle interprétation le ministre de la Justice donne à ce projet de loi.

L'HONORABLE J.R. SMALWOOD: Au cas où il y aurait un malentendu, j'espère qu'il est bien compris que tout comme le premier ministre Campbell et le premier ministre Smith, nous de Terre-Neuve sommes entièrement et complètement en faveur du projet de loi. Si vous voulez que je fasse un discours, j'en ferais un!

LE TRÈS HONORABLE P.E. TRUDEAU: Au prochain point de l'ordre du jour!

L'HONORABLE W. WEIR: Je ne veux pas répéter ce qui a été déjà dit, mais nous pensons que dans une situation comme celle-ci, il serait préférable de s'adresser aux tribunaux avant plutôt qu'après. Nous pensons également qu'il serait préférable d'accorder des droits et privilèges linguistiques plutôt que d'adopter des mesures législatives. Dans certains domaines, cela est assez bien organisé. Je pense qu'il vaut mieux que je ne répète pas tout ça aujourd'hui.

L'HONORABLE T.R. PETERSON: M. le premier ministre, avant que nous n'abandonnions la question de l'opportunité d'organiser une réunion entre les procureurs-général et le ministre de la Justice au sujet de ce projet de loi, je crois qu'il serait souhaitable d'agir ainsi, plutôt que de renvoyer la question aux tribunaux pour décision. Il serait encore possible, après une telle réunion, si le gouvernement restait sur ses positions et n'acceptait pas de modifier le projet de loi, de recourir à l'autre possibilité et de soumettre la question aux tribunaux. À mon avis, nous devrions d'abord examiner la possibilité d'éliminer les divergences qui semblent exister entre nous au sujet de ce projet de loi. En ce qui concerne la Colombie-Britannique, son point de vue a, je crois, été exposé dans notre allocution d'ouverture. Je ne veux pas

Comme je l'ai dit hier, nous pensons que les frais supplémentaires rendus nécessaires par la promotion du bilinguisme dans l'ensemble du pays sont une responsabilité nationale et que ces frais, devraient être couverts par l'ensemble de la nation par l'intermédiaire du gouvernement fédéral.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci. Monsieur Campbell.

L'HONORABLE A.B. CAMPBELL: Afin que l'on ait l'option de tous, qu'il me soit permis de réaffirmer simplement la position de l'Île-du-Prince-Édouard qui a été résumée dans la troisième phrase que j'ai prononcée à la première Conférence constitutionnelle, et je cite:

"Au nom de ma province, j'appuie de tout coeur les propositions fédérales. Ce qui veut dire, en ce qui concerne le Rapport sur le bilinguisme et le biculturalisme, que je m'engage à appuyer son application dans les délais les plus brefs."

Je veux simplement expliquer notre attitude quant au projet de loi sur les Langues officielles qui est actuellement soumis au Parlement du Canada.

L'HONORABLE H.E. STROM: Monsieur le premier ministre, puis-je demander au procureur-général de dire quelques mots?

M. Gerhart.

L'HONORABLE E.H. GERHART: Monsieur le premier ministre, je ne veux pas ennuyer la Conférence en l'écrasant sous un flot d'arguments juridiques. Cependant, je voudrais soulever deux ou trois points mineurs. Si le Bill C-120 n'a aucun des effets néfastes décrits par le procureur-général de la Saskatchewan, ce Bill n'affectera naturellement pas l'Alberta de quelque façon que ce soit; mais si dans les districts bilingues en projet la situation n'est pas différente de celle prévue par la constitution aujourd'hui, si cela ne s'applique qu'aux services qui sont actuellement du ressort du gouvernement fédéral, alors un tel programme pourrait être appliqué dans le cadre de la politique gouvernementale, sans avoir recours à une telle loi.

Par contre, si ce projet de loi a les effets prévus par le procureur-général de la Saskatchewan, alors la situation serait différente de celle qui existe à l'heure actuelle en Saskatchewan et en Alberta; à notre avis il s'agit d'une modification unilatérale à la constitution actuelle,

grand nombre de gens si nous essayons de faire au niveau des affaires provinciales ce que vous faites dans le domaine fédéral.

Pour en revenir quelques instants aux droits linguistiques en général, comme certains autres orateurs on fait lors de ce débat, je crois avoir déjà dit hier ce que nous avons déjà fait et ce que nous efforçons de faire. J'ai oublié une chose qui, je crois, a quelque importance. Nous avons maintenant une commission d'éducateurs bilingues extrêmement compétents qui ont été recrutés à l'extérieur de la Nouvelle-Ecosse. Ils étudient les solutions que nous pourrions adopter au problème du français au niveau supérieur de notre système d'éducation. Je devrais peut-être être plus précis et parler de bilinguisme. Je suis certain que ces messieurs, si je citais leurs noms, seraient immédiatement reconnus comme des compétences en ce domaine, et ils sont bilingues.

En ce qui concerne l'enseignement du français, notre position générale, comme je l'ai dit hier, est la suivante: nous sommes convaincus qu'en Nouvelle-Ecosse, la langue française doit être traitée de la même façon et avec les mêmes regards que l'anglais dans la province de Québec. Je dirai immédiatement que cela exige que nous mettions à l'oeuvre dans plusieurs domaines.

Nous avons discuté avec certaines autorités fédérales un projet pilote, dans chacun des quatre districts de la Nouvelle-Ecosse où il est probable que des districts bilingues seront établis, afin d'essayer de déterminer la méthode à suivre et le coût d'un programme d'enseignement en français dans les écoles primaires et secondaires. Il n'est pas question de déterminer le prix d'un service qui serait offert à tous les élèves d'un district bilingue, il s'agit plutôt de prendre une partie de chaque district bilingue et d'assurer au mieux un enseignement en français dans les écoles existantes.

Comme je l'ai dit, nous avons constaté que dans ces quatre écoles les frais supplémentaires pour la première année seront de 1 million 750 mille dollars et qu'ensuite ces frais seront sans doute de l'ordre de 750 à 800 mille dollars. Cela ne permettrait, naturellement, que d'offrir ces cours à une partie seulement des élèves qui voudraient probablement bénéficier de cet enseignement, s'il leur était offert.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur le ministre.

L'HONORABLE J.J. BERTRAND: Vous permettez, je voudrais poser une seule question à notre compatriote, monsieur Codere, de la Saskatchewan:

Combien, en vertu du bill actuel, - combien de districts bilingues auriez-vous en Saskatchewan?

L'HONORABLE MONSIEUR CODERE: Un district, actuellement, le district de Gravelbourg, qui se trouverait une partie de la circonscription d'Assiniboine.

L'HONORABLE J.J. BERTRAND: Et environ, quelle est la population?

L'HONORABLE MONSIEUR CODERE: Là, je ne sais pas; environ 20 p. 100, mais plus ou moins très éparpillée.

LE TRÈS HONORABLE P.E. TRUDEAU: Gravelbourg?

L'HONORABLE MONSIEUR CODERE: Gravelbourg, Willowbunch et St-Victor.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur le premier ministre.

(TRANSDUCTION)

L'HONORABLE G.I. SMITH:

Je ne veux absolument pas dire que le commissaire doit accepter sans réserve notre point de vue, cependant je pense que le projet de loi lui-même serait mieux appliqué, que ses objectifs seraient mieux servis, si nous étions d'accord au sujet des limites des districts. Je crois que nous pourrions tous mettre d'accord très rapidement sur les critères généraux fixant l'emplacement des districts. Il est cependant possible qu'il y ait des difficultés notables quant à la détermination des limites elles-mêmes.

Je suis certain que la question que j'ai soulevée hier au sujet des disponibilités en personnel est très présente aussi bien à l'esprit du ministre de la Justice qu'au vôtre, monsieur le premier ministre. Nous pensons qu'il y aura peut-être encore plus de difficultés qu'on ne le prévoyait au départ. En effet, il faudra un assez

Personnellement, je ne m'oppose pas, non plus que le gouvernement de la Saskatchewan, au principe du bill qui veut que le bilinguisme soit de rigueur là où il est seulement nécessaire et pratique comme ce fut toujours le cas au Québec. J'ai voulu simplement attirer votre attention sur certains dangers que présentent plusieurs aspects du bill.

En terminant, permettez-moi d'ajouter que même en Saskatchewan, il est déjà possible d'obtenir un service bilingue dans plusieurs services, tant provinciaux que fédéraux. La semaine dernière, comme exemple, alors que j'avais appelé le service d'information au département du téléphone pour demander le numéro de téléphone de l'A.C.F.C. qui est l'Association provinciale des Canadiens français, la téléphoniste me répondit en français excellent, et le fit très courtoisement. Il s'agit encore de cas exceptionnel, mais je ne doute pas que c'est une situation qui va s'améliorer graduellement.

Je crois que par l'éducation et l'éducation seulement, pourrions-nous atteindre nos objectifs.

Nous avons un groupe social comme l'Association culturelle franco-canadienne de la Saskatchewan, qui a établi une classe en français à Regina, pour les jeunes. 97 personnes se sont inscrites, dont 12 seulement parlent français, ou dont la langue maternelle est le français.

Dans la Saskatchewan, nous avons établi, monsieur Heald l'a dit tout à l'heure, des écoles complètement bilingues. Gravelbourg est un exemple des deux que nous avons établies à présent, et nous allons en établir encore.

J'ai déjà dit que nous avons commencé un collège bilingue à l'Université de Saskatchewan. Nous, membres de l'A.C.F.C., sommes fiers du progrès du gouvernement de la Saskatchewan jusqu'à présent. Probablement pas aussi vite que nous voudrions, mais encore un peu de progrès sensibles, et sensible aux fins politiques.

Je crois que ce serait une nécessité que le gouvernement fédéral partage largement pour assurer le futur développement sur ce sujet.

Monsieur le premier ministre, messieurs, je vous remercie.

nationale. La position prise par le gouvernement de la Saskatchewan vis-à-vis ce bill rélète toutefois assez bien les craintes ressenties par la population de notre province en général d'une mise en application éventuelle trop rigoureuse, trop littérale de ce bill, tel qu'il est proposé.

Je tiens à attirer particulièrement votre attention sur les points suivants:

Premièrement, un bilinguisme absolu, en Saskatchewan, serait peu pratique, il pourrait même devenir discriminatoire, tout comme il pourrait l'être au Québec.

On ne pourrait exiger, par exemple, que tous les employés fédéraux, de toutes les compagnies de la Couronne, tous les juges, tous les magistrats soient bilingues, ni qu'ils ne le soient pas du tout.

Nous sommes d'accord toutefois que les bureaux gouvernementaux, à tous les niveaux, devraient prévoir un ou plusieurs employés bilingues, et spécialement dans les villes et dans les centres franco-canadiens, selon leur importance. Et, graduellement, selon la disponibilité d'un personnel bilingue.

Deuxièmement, nous croyons que s'il subsiste des obstacles constitutionnels à l'adoption du bill C-120, l'attitude du gouvernement de la province est favorable aux amendements constitutionnels nécessaires à supprimer ces obstacles.

Troisièmement, les Canadiens français de notre province déplorent l'attitude de certains éléments de la presse francophone de l'Est du pays qui mésestiment et critiquent les efforts du gouvernement de la Saskatchewan en vue de favoriser l'enseignement du français dans les écoles fréquentées par des élèves francophones.

Cet enseignement dans les deux langues implique toutefois chez nous, tout comme c'est le cas au Québec, certaines dépenses supplémentaires, et spécialement durant les premières années de cet enseignement. Nous pensons donc que le gouvernement fédéral, selon sa politique de promouvoir le bilinguisme partout au pays, se doit de favoriser l'enseignement bilingue par le truchement d'octrois, comme cela se fait à l'égard de nos universités, ou un collège bilingue en voie d'établissement.

d'autres entretiens avec le ministre de la Justice. A mon avis, c'est une excellente suggestion. Ce projet de loi nous inquiète de bien des façons. Nous pensons que, dans certains articles en particulier, vous débordiez dans la juridiction provinciale, et nous sommes convaincus que le mieux serait d'en discuter en détail lors d'une rencontre entre le ministre de la Justice et les procureurs-généraux. Nous sommes favorables à une telle conférence, et comme l'a dit l'honorable M. Turner, nous y participerions sans pour autant compromettre nos positions. Il est probable que les autres procureurs-généraux feraient de même.

Maintenant, monsieur le premier ministre, avant que nous n'en finissions avec notre exposé sur ce projet de loi, je voudrais vous présenter mon collègue, le ministre du Travail de la Saskatchewan, qui va terminer notre exposé "en français". M. Coderre.

(FRANCAIS)

L'HONORABLE MONSIEUR CODERRE: Monsieur le premier ministre, messieurs les chefs des délégations provinciales, mes chers collègues, - mes chers collègues du Québec partiellement, je vous assure que le dictionnaire Larousse était à mes côtés quand j'ai commencé ce discours.

Je suis heureux, actuellement, en ma qualité de membre du gouvernement de la Saskatchewan, et en tant que membre de la communauté canadienne de la province de l'Ouest du Canada, de vous adresser quelques mots en français, et complètement ce que monsieur Heald vous a dit. Je voudrais vous parler principalement sur la position prise par le gouvernement de la Saskatchewan par rapport au bill C-120, sur les langues officielles.

Ces traditions traduisent une ligne de pensée commune des autorités provinciales de la Saskatchewan d'une part; et d'autre part, d'associations culturelles franco-canadiennes de notre province, dont je suis membre moi-même.

Tout d'abord, je peux vous dire que malgré l'impres- sion qu'aurait pu créer au pays la déclaration commune des trois premiers ministres des Prairies, le gouvernement de la Saskatchewan ne s'oppose pas au bill C-120 en tant que tel. Nous reconnaissons que ce bill tend à corriger une situation qui contribue beaucoup à mettre en péril l'unité

A notre avis, les articles 19 à 34, et en particulier les articles 25 et 26, qui prévoient qu'une commission garantira l'égalité du français dans nos institutions fédérales, sont anti-constitutionnelles pour les raisons mêmes qui nous font penser que l'article 2 est peut-être anti-constitutionnel.

On semble vouloir imposer ici le bilinguisme à tous les employés car autrement, ils ne pourraient pas faire leur travail étant donné qu'un employé bilingue, mais francophone, peut refuser de parler quoique ce soit d'autre que le français et il peut faire tout ses rapports en français, même s'il traite d'une lettre ou d'une loi qui sont rédigés en anglais.

Nous pensons que cela signifie que les employés anglophones doivent être capables de comprendre parfaitement tout ce qui leur est dit en français, même s'ils ont le droit à leur tour de répondre en anglais. A notre avis, cela aussi est anti-constitutionnel car cela veut obliger tous ceux qui veulent participer aux affaires de l'Etat à être français.

Cependant, vous avez dit, je crois, lorsque vous avez exposé la position fédérale, que vous ne modifiez pas la constitution. Vous ne modifiez pas l'article 133 et vous ne modifiez rien à ce qui fait l'objet de l'article 133, c'est pourquoi vous pensez que vous pouvez traiter sans restrictions de l'utilisation du français et de l'anglais dans le domaine fédéral.

Nous vous répondons très respectueusement que cet argument ignore complètement la modification de 1949, point 1 de l'article 91.

Si cet argument était valable, nous pensons que l'utilisation de l'anglais dans la fonction publique pourrait être interdite sauf dans les cas où l'article 133 prévoit son utilisation. Nous croyons que ce projet de loi a pour effet d'obliger tous les fonctionnaires fédéraux à Ottawa, et un grand nombre d'autres, à devenir bilingues, à moins que leurs fonctions ne les obligent pas à communiquer avec des employés francophones ou avec d'autres individus francophones.

Voilà de façon générale, et dans certains cas de façon plus précise, quelles sont nos inquiétudes quant à certains articles du projet de loi. Nous voudrions avoir

Pourrions-nous consacrer quelques instants à l'alinéa 1)? A mon avis, l'alinéa 1) semble obliger un juge, - auquel un avocat, un prévenu ou un témoin demande de parler français, - s'il n'est pas complètement bilingue, à prendre les dispositions pour qu'un juge bilingue entende l'affaire, car, dans le cas contraire, je suppose qu'on pourrait prétendre qu'une personne souhaitant utiliser le français est dans une situation désavantageuse car elle n'est pas entendue au sens d'être comprise en français (si l'on doit faire appel à un interprète).

Maintenant, si cet alinéa signifie simplement qu'il faut prévoir un interprète, alors pourquoi ne pas le préciser. Cela signifie beaucoup plus que cela. Comme le premier ministre Smalldwood l'a dit, les interprètes sont utilisés dans tout le pays. Je crois que cela fait partie de l'organisation même des tribunaux.

Il a été dit (je crois que c'était au Comité, dans l'un des comités) qu'une personne bilingue pourrait demander à témoigner en français, même si elle est complètement bilingue, et qu'un tribunal pourrait à l'heure actuelle l'obliger à parler anglais. A notre avis, cet article va beaucoup plus loin, en particulier lorsqu'on l'examine en regard de l'alinéa 2) qui se rapporte au droit de faire des règlements. Nous pensons qu'il va plus loin car il ne serait pas nécessaire si l'alinéa 1) signifiait simplement qu'une personne pourrait décider de parler français, quitte à faire traduire son témoignage par un interprète. D'après ce que vous avez dit aujourd'hui, je crois que vous proposez d'aller plus loin, c'est pourquoi nous pensons que c'est une atteinte aux responsabilités provinciales.

L'alinéa 2) de l'article 11, à notre avis, n'est pas une disposition se rapportant à la procédure criminelle; nous pensons qu'il se rapporte directement à la création, au fonctionnement et à l'organisation des tribunaux. Je suis convaincu que d'après l'alinéa 1) nos tribunaux de la Saskatchewan devraient absolument être bilingues alors qu'à l'heure actuelle ils sont tous anglophones. Je crois que lorsqu'on établit le rapport entre l'alinéa 2) et l'alinéa 1), l'intention du législateur se dégage très clairement. Les tribunaux doivent devenir des tribunaux bilingues et nous pensons qu'il s'agit ici de la création, du fonctionnement et de l'organisation de tous nos tribunaux, et c'est une question de compétence provinciale.

Je me permettrai de vous faire remarquer qu'il n'avait jamais été prévu que le français soit utilisé plus largement à l'extérieur du Québec. Si l'on avait voulu mettre sur un même pied le français et l'anglais dans la fonction publique et ailleurs, il aurait été extrêmement simple de le préciser au départ.

La loi originale, celle de 1867, est muette sur cette question et, naturellement, elle était rédigée en anglais. Ce qui montre qu'au moins à ce moment-là, les deux langues n'étaient pas égales au Canada.

Cela est encore plus clair lorsqu'on examine l'amendement de 1949 à l'Acte de l'Amérique du Nord britannique, qui prévoyait que le Parlement fédéral pouvait modifier la constitution canadienne à certaines exceptions près, exceptions se rapportant à l'utilisation du français ou de l'anglais.

Il me semble donc, monsieur le premier ministre, que si l'on voulait simplement empêcher toute modification à l'article 133, il aurait été plus raisonnable de prévoir que l'article 133 ne pouvait pas être modifié.

Je ne me propose pas maintenant de me lancer dans une plaidoirie d'ordre général sur la constitutionnalité. Je crois que tout le monde connaît le pour et le contre. En ce qui concerne la constitutionnalité du projet de loi, il y a, la position que M. Thorson a exprimée et celle du gouvernement fédéral. Ce sera tout probablement aux tribunaux de trancher. Cependant, je voudrais vous exprimer nos inquiétudes quant à certains articles du projet de loi qui, à notre avis, sont d'ordre constitutionnel car ils se rapportent à la création, au fonctionnement et à l'organisation des tribunaux, ce qui, d'après l'Acte de l'Amérique du Nord britannique, est une responsabilité provinciale.

Nous pensons que les alinéas 1) et 2) de l'article 11, et l'alinéa 2) de l'article 11, dans la mesure où il se rapporte à 1) et 2), dépassent le cadre de votre juridiction, car nous croyons qu'ils touchent des questions se rapportant à la création, au fonctionnement et à l'organisation des tribunaux. Nous ne pensons pas qu'il s'agisse là de questions de procédure.

à journaux des aéroports, dans les services de taxi des aéroports, et ainsi de suite. Cet article 10 nous inquiète beaucoup. C'est un des articles au sujet desquels nous aimerions nous entretenir davantage avec vous.

Comme je l'ai déjà dit, et comme l'a déclaré le premier ministre Thatcher l'année dernière, 6 pour cent seulement de notre population est d'origine francophone. Notre population de descendance allemande représente 9 pour cent du total, celle de descendance ukrainienne 7 pour cent, et il y a plusieurs autres groupes dont l'importance est à peu près égale à celle du groupe francophone. Le fait d'exiger que l'on parle couramment à la fois le français et l'anglais pour être embauché constituerait une mesure discriminatoire dirigée contre la vaste majorité des Canadiens de l'Ouest qui n'ont pas eu la possibilité de devenir bilingues.

Comme je l'ai dit, nous pensons que cela n'aurait pas l'effet souhaité de renforcer l'unité de notre nation, mais déboucherait au contraire sur des divergences et des frictions; c'est pourquoi nos préoccupations au sujet de ce projet de loi, monsieur le premier ministre, ne sont pas uniquement d'ordre légal. Nous avons également ces autres préoccupations et nous avons peur des frictions qui seront causées ou qui pourront l'être quand toutes les répercussions de ce projet de loi seront connues de tous, du public en général. Je voudrais dire quelques mots au sujet de la légalité du projet de loi, et cela en toute déférence pour le très distingué premier ministre du Nouveau-Brunswick qui a exposé son interprétation juridique et pour vous, Monsieur Turner, qui avez déclaré que c'est une affaire que vous n'hésiteriez pas à soumettre à la Cour suprême.

Le point de vue de nos conseillers quant à certaines parties du projet de loi est différent. Nous pensons qu'il faut examiner cette loi, l'Acte de l'Amérique du Nord britannique, et son article 133, à la lumière des antécédents historiques.

Le fait est que l'anglais était la langue de l'Ontario, de la Nouvelle-Ecosse et du Nouveau-Brunswick. La langue de travail du gouvernement fédéral devait être et a été l'anglais. Le français était la langue de travail du gouvernement du Québec.

Des programmes de ce genre se multiplieront dans toute la province, à mesure que nos finances et le nombre de professeurs disponibles nous le permettront.

Cependant, nous l'avons déjà dit dans notre proposition, nous nous opposons à toute modification de la constitution en ce qui concerne l'utilisation du français au Canada.

De plus, comme je l'ai indiqué au ministre de la Justice ainsi qu'à vous, monsieur le Président, le projet de loi sur les langues officielles nous inquiète beaucoup. Il nous semble que le but de ce projet de loi sur les langues officielles qui est présentement à l'étude au Parlement, est d'imposer le bilinguisme à ceux de nos concitoyens qui sont déjà au service de notre pays, au lieu de développer l'emploi du français en offrant une aide aux provinces afin que ces dernières puissent encourager l'éducation bilingue des enfants qui sont maintenant dans nos écoles.

Comme je l'ai dit, nous sommes tout à fait en faveur du développement du bilinguisme. En effet, il a une valeur pratique pour les Canadiens qui, une fois qu'ils seront bilingues, se sentiront chez eux partout au Canada, comme on l'a signalé.

À notre avis, si le bilinguisme est obtenu grâce à l'éducation, le Canada sera plus uni, alors qu'avec une mesure législative, avec ce projet de loi qui rend les deux langues officielles partout où le gouvernement fédéral intervient, nous avons peur que le pays ne s'en trouve divisé plutôt qu'uni.

Nous avons peur que les dispositions du Bill ne fassent du bilinguisme une nécessité pour l'avancement dans les Forces armées, dans la Gendarmerie royale... nous sommes heureux des paroles que le ministre de la Justice a proférées à ce sujet mais nous conservons nos inquiétudes. Nous craignons que le bilinguisme ne devienne une condition préalable dans le recrutement et l'avancement au sein de la fonction publique fédérale et de toutes les sociétés de la Couronne, telles qu'Air Canada et les Chemins de fer nationaux.

Nous avons également des inquiétudes au sujet de l'article 10 -- nous craignons maintenant le projet de loi d'un peu plus près -- que le bilinguisme ne devienne une exigence pour l'embauche dans les restaurants et kiosques

LE TRÈS HONORABLE P.E. TRUDEAU: Monsieur Heald?

L'HONORABLE D.V. HEALD: Merci.

Monsieur le premier ministre, mesdames et messieurs, je suis heureux d'avoir l'occasion d'interpréter la position de la Saskatchewan en ce qui concerne les langues officielles.

Nous avons soumis une proposition au Comité permanent de fonctionnaires, proposition qui disait ceci:

"Les droits linguistiques prévus par l'Acte de l'Amérique du Nord britannique à l'heure actuelle seront préservés. La question de l'éducation en français ou en anglais, et l'utilisation de ces langues, restera du domaine de la province, ainsi chaque province pourra entreprendre des programmes bilingues comme c'est le cas dans la plupart des provinces".

Voilà, monsieur le premier ministre, qu'elle est notre position quant à la question de l'utilisation du français.

Dans notre déclaration d'ouverture, lue hier par M. Stewart, nous sommes efforcés de démontrer que la Saskatchewan est en faveur du développement du bilinguisme au Canada. Cependant, nous sommes convaincus que la meilleure voie vers le bilinguisme passe par l'enseignement. Et, comme il l'a dit, notre droit provincial permet maintenant l'utilisation du français comme langue d'enseignement dans les régions où la demande pour un tel programme existe et où il est économiquement possible de la satisfaire.

Notre université a créé, sur son campus de Regina, un collège bilingue dans le cadre de son programme de cours. Le docteur Spinks m'a fait savoir que les cours menant au diplôme sont offerts à la fois en français et en anglais. Les étudiants anglophones doivent suivre 30 pour cent de leurs cours en français et les francophones doivent suivre 30 pour cent de leurs cours en anglais.

L'enseignement du français a également été offert dans les écoles élémentaires, chaque fois que cela était possible, et l'on a mis l'accent sur le français parlé.

que l'on pourrait faire cela?

On peut difficilement demander à une province qui compte très peu de francophones de prévoir le mécanisme nécessaire, - vous voyez ce que je veux dire, une structure judiciaire bilingue. Cela coûterait trop cher.

L'HONORABLE J.N. TURNER: Nous comprenons cela.

L'HONORABLE J.R. SMALLWOOD: Pourriez-vous prévoir un fonds de personnel qui serait à notre disposition?

L'HONORABLE J.N. TURNER: Dans les tribunaux

fédéraux, à la Cour de l'échiquier itinérante, c'est quelque chose que nous pourrions envisager. Mais dans un tribunal provincial, cela relèverait de la juridiction de votre procureur-général, monsieur Smallwood.

J'en reviens encore une fois aux termes de l'article 11, alinéa 3, et je cite:

"Les procédures soient conduites et les témoignages fournis et recueillis en la langue officielle spécifiée dans la demande s'il lui paraît que les procédures peuvent être correctement conduites et les témoignages correctement fournis et recueillis, en totalité ou en majeure partie, dans cette langue".

Eh bien, il est évident, monsieur Smallwood, que lorsque vous avez un jury à Terre-Neuve qui est entièrement anglophone, et un juge qui est anglophone...

L'HONORABLE J.R. SMALLWOOD: Nous n'en avons pas de français.

L'HONORABLE J.N. TURNER: Le juge aurait alors toute discrétion pour déclarer: "Cette affaire ne peut pas être conduite en français de façon satisfaisante".

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Turner.

L'HONORABLE D.G. STEUART: Monsieur Heald, notre procureur-général, exposera le point de vue de la Saskatchewan.

L'HONORABLE W.A.C. BENNETT: Aux frais de l'Etat?

L'HONORABLE J.N. TURNER: Aux frais de l'Etat.

Mais en ce qui concerne le gouvernement actuel, nous n'envisageons absolument pas de limiter le recrutement national dans la fonction publique.

L'HONORABLE W.A.C. BENNETT: Non, non... Mais l'avancement ne serait-il pas freiné simplement parce qu'il s'agirait de personnes unilingues?

L'HONORABLE J.N. TURNER: Eh bien, non il n'y aura pas d'entrave pour un Canadien en particulier lorsqu'il en arrivera à un niveau de la fonction publique dans les parties du Canada où cela serait nécessaire, s'il se montrait prêt à apprendre et si on lui en donnait la possibilité...

L'HONORABLE W.A.C. BENNETT: Et s'il choisissait de rester dans une région telle que la Colombie-Britannique, qui est à 99.999 pour cent anglophone, il pourrait arriver au sommet de la hiérarchie là-bas, sur le même base, de façon équivalente.

L'HONORABLE J.N. TURNER: Vous pourriez arriver au sommet de la hiérarchie en Colombie-Britannique. Et la compétence est toujours l'élément majeur dans les nominations et l'avancement au sein de la fonction publique.

L'HONORABLE J.R. SMALWOOD: Le fait de savoir le français ne serait pas nécessairement considéré comme une compétence.

L'HONORABLE J.N. TURNER: C'est un facteur supplémentaire, mais sans la compétence de base...

L'HONORABLE J.R. SMALWOOD: Puis-je vous poser une question? Si un homme est arrêté, ou si pour une raison quelconque il se trouve au tribunal dans une province où il y a très peu de français, comme à Terre-Neuve, moins de un pour cent, mais qu'il veut être jugé en français alors que nous n'avons pas de juges, pas de sténographes, pas d'interprètes francophones, et ainsi de suite. Serait-il possible, dans le cadre du gouvernement du Canada ou d'un organisme canadien de prévoir un certain nombre de personnes, juges bilingues, etc., qui pourraient être invitées dans une province pour régler les questions demandant une compétence dans les deux langues? Est-ce

Je tiens à dire aussi, monsieur le premier ministre, que j'aimerais beaucoup m'entretenir avec les procureurs-généraux au sujet des articles du projet de loi, sans préjudice de notre droit d'en continuer l'étude, car nous pensons qu'il est de notre compétence de le faire.

Ce projet de loi a été rédigé très soigneusement car nous savons qu'il soulèverait quelques difficultés d'ordre technique, particulièrement pour les tribunaux. Cependant, il y a certaines expressions qui y sont employées: "demande significative", lorsqu'il y a une demande répétée pour ce service. Mentionnons l'article 11 (5) qui laisse toute discrétion au juge. Enfin, le gouvernement est bien entendu conscient des difficultés que soulèvera l'application de certaines des parties de ce projet de loi.

Il y aura sans doute des difficultés d'ordre technique, il sera difficile de trouver des traducteurs, ainsi que des interprètes et des sténographes.

Monsieur Davis, nous comprenons certaines des répercussions financières dans les provinces. L'éducation est le préalable nécessaire à un pays qui sera plus bilingue que celui dans lequel nous vivons à l'heure actuelle. Nous sommes également conscients du bon nombre de problèmes qui se poseront dans l'Ouest du Canada et dans les provinces de l'Atlantique.

Nous reconnaissons également les conséquences de l'article 10 sur la fonction publique au Canada et les difficultés qui se posent pour certains d'entre vous, messieurs, quant au recrutement de candidats à des postes dans la fonction publique. Je voudrais être assuré que rien dans ce projet de loi ne gênera ou n'empêchera le recrutement de jeunes gens de l'Ouest ou des provinces de l'Atlantique dans la fonction publique fédérale.

C'est une politique progressiste, elle suppose que les gens sont prêts à apprendre.

L'HONORABLE W.A.C. BENNETT: Est-ce que cela s'appliquera également à l'avancement?

L'HONORABLE J.N. TURNER: Cela s'appliquera

également à l'avancement, mais on suppose que les gens

sont prêts à apprendre, - on offre la possibilité d'apprendre.

Mais, à part ça, je crois qu'il serait opportun d'avoir, sur les détails du bill, une consultation avec les procureurs généraux du Canada, de toutes les provinces, pour discuter les phrases, les termes, les modalités du bill, et je suis prêt.

Alors, sans préjudice, de toute façon, pour que le gouvernement canadien puisse continuer sa procédure parlementaire, parce que nous sommes liés, comme vient de dire monsieur le premier ministre, en principe, avec le bill.

(FRANCAIS)

Maintenant, en ce qui concerne la constitutionnalité du projet de loi, j'aimerais dire, -- c'est d'ailleurs l'opinion de nos experts juridiques, -- que ce projet est très certainement de la compétence du Parlement du Canada, qu'il ne modifie pas la constitution de façon unilatérale, qu'il ne se rapporte qu'aux questions linguistiques pour lesquelles le gouvernement fédéral peut légiférer. En ce qui concerne les langues il n'y a pas de limites; l'article 133 de l'Acte de l'Amérique du Nord britannique fixe simplement quatre domaines dans lesquels l'utilisation de l'anglais et du français est obligatoire. En dehors de cela il n'y a pas d'obligations, il y a simplement des possibilités.

Et si nous prétendons que l'article 133 limite le droit du gouvernement fédéral à légiférer en matière de l'utilisation du français ou de l'anglais, alors il nous empêcherait de légiférer aussi bien pour la langue anglaise que pour la langue française.

Monsieur le premier ministre, lorsque j'ai parlé aux juges de l'Ontario, -- d'ailleurs M. Wishart était là, -- le juge en chef Gale m'a demandé si, en tant que procureur-général, je me prévaudrais de mon droit à comparaître devant les tribunaux comme représentant du gouvernement du Canada. Ceci ne s'est pas produit depuis 40 ou 50 ans. J'ai alors répondu: "En bien, j'y penserais. Il faut que deux conditions soient satisfaites pour qu'un procureur-général comparaisse. D'abord, il faudrait que l'affaire soit suffisamment importante pour les Canadiens. Deuxièmement, il doit s'agir d'une cause que nous pouvons gagner". A mon avis, le projet de loi sur les langues officielles satisfait à ces deux conditions préalables.

Je crois que c'est important pour les Canadiens, et je crois que nous avons une base solide pour légiférer.

En bien, le gouvernement du Canada est tout à fait pour le principe du projet de loi et il a l'intention de défendre ce principe, à la fois devant les tribunaux et au Parlement.

Nous sommes très intéressés à connaître l'opinion des provinces, et nous tenons absolument à les consulter et à discuter avec elles des détails du projet, aussi bien au niveau du principe qu'au niveau de ses divers articles. Dans l'Ouest, j'ai parlé au procureur-général de la Saskatchewan et aux autres.

Je dirai au premier ministre Bertrand que je pense que les articles 12, 15 et 38 du projet de loi, -- je n'en discuterai pas maintenant, -- envisagent très probablement un type de consultation préalable avec les provinces, -- pas nécessairement à titre de condition, mais ces articles prévoient distinctement ce type de consultation.

(FRANCAIS)

L'HONORABLE J.-J. BERTRAND: Si mon collègue me permet d'interrompre juste un instant, -- quand vous parlez de consultations, est-ce qu'on pourrait dire qu'il aura l'assentiment des provinces?

L'HONORABLE J.N. TURNER: Après la première lecture du bill présenté dans la Chambre par le premier ministre au mois d'octobre, nous avons envoyé le bill à tous les premiers ministres du Canada, et j'ai envoyé le bill à tous les procureurs généraux du Canada, afin d'obtenir leur assentiment, leurs idées sur les modalités du bill.

L'HONORABLE J.-J. BERTRAND: Mais, il ne faudrait pas oublier qu'à ce même moment, nous avons constitué, à la Conférence canadienne, un sous-comité sur les langues officielles. Or, quant à moi, j'ai pris connaissance de leur rapport, où il y a, de la part des représentants du Québec, des réserves telles que celles que j'ai faites quant aux district bilingues. Le bill a été présenté en première lecture; est-ce qu'il doit venir en deuxième lecture prochainement, ou s'il doit être référé à un comité de la Chambre, au Parlement fédéral?

L'HONORABLE J.N. TURNER: Les deux moyens: par les consultations, d'abord, sous les nouveaux règlements de la Chambre, le bill, après adoption en deuxième lecture, serait référé au comité permanent de la Justice, des affaires judiciaires, et il y aura une opportunité alors pour toutes les provinces, si elles le veulent, de comparaître devant le comité.

possible de rendre justice à cet homme, s'il est possible de le juger de façon équitable dans sa propre langue. Et naturellement, si le juge décide que cet homme ne pourrait pas alors avoir un jugement équitable, dans ce cas la justice passe avant l'importance de procéder à un procès dans sa propre langue. Nous devons nous assurer que justice est faite. Et cela signifie qu'il faut examiner toutes les circonstances particulières à un procès.

L'HONORABLE J.R. SMALWOOD: Comment cela s'appliquerait-il dans le Québec?

L'HONORABLE J.N. TURNER: En bien, j'ai écouté avec plaisir ce que le premier ministre du Québec a dit à ce sujet.

Moi je suis, comme lui, depuis des années, membre du Barreau de Québec, et j'accepte avec satisfaction son approbation en principe, de notre bill.

L'HONORABLE J.R. SMALWOOD: Monsieur le premier ministre cette intervention était-elle en bon français?

L'HONORABLE J.-J. BERTRAND: Très bien. D'ailleurs, monsieur Turner vient de le dire, c'est un des membres éminents du Barreau du Québec, et quand des avocats se rencontrent comme ça, on aime à se dire de belles choses.

Il est également membre, et je crois qu'il a été reçu dernièrement, membre du Barreau d'Ontario.

L'HONORABLE J.N. TURNER: D'Ontario et des Barbades. L'HONORABLE J.-J. BERTRAND: Et des Barbades. Alors, c'est donc un avocat quasi universel.

Il serait un excellent conseiller pour le premier ministre de Terre-Neuve.

L'HONORABLE J.R. SMALWOOD: Je m'en souviendrais.

L'HONORABLE J.N. TURNER: Le premier ministre du Québec a dit que sa province est en faveur du principe du projet de loi mais que son gouvernement a des préoccupations quant à ce qu'il a appelé les modalités, certains des termes, certains aspects du projet de loi. Il a des inquiétudes en ce qui concerne les effets de la création de districts bilingues fédéraux dans la province.

n'oblige absolument pas les Canadiens à parler une langue ou l'autre.

Il signifie que les Canadiens, dans certaines régions du pays, pourront communiquer avec leur gouvernement dans la langue de leur choix.

J'ai dit aux premiers ministres de l'Ouest, particulièrement lors de ma récente visite, qu'à proprement parler et pour plusieurs années, l'effet du projet de loi dans leurs provinces et pour leurs habitants serait tout à fait minime. Il ne s'agit pas d'imposer le bilinguisme obligatoire aux citoyens canadiens. C'est un projet de loi qui permet aux citoyens canadiens, lorsqu'ils sont en nombre suffisant, de s'adresser aux organismes du gouvernement fédéral soit en français soit en anglais.

L'HONORABLE J.R. SMALLWOOD: Comment cela s'appliquerait-il à Terre-Neuve? A Terre-Neuve, nous avons un certain nombre d'organismes et de tribunaux fédéraux. Que se passera-t-il là-bas?

L'HONORABLE J.N. TURNER: Eh bien, à Terre-Neuve, d'après nos données statistiques, il n'y aurait pas de districts fédéraux bilingues car vous n'avez pas un suffisamment grand nombre de Canadiens francophones.

Bien sûr, en vertu de l'article 11, en particulier de l'alinéa 3 de l'article 11, un citoyen francophone peut demander à ce que son témoignage soit entendu en français, et il a déjà probablement ce droit.

L'HONORABLE J.R. SMALLWOOD: Nous faisons cela à Terre-Neuve depuis au moins cinquante ans, pour le chinois, pour le français, pour n'importe quelle langue étrangère. Un individu arrive au tribunal et ne parle pas l'anglais, alors il y a un interprète. On ne peut pas faire moins que cela n'est-ce pas?

L'HONORABLE J.N. TURNER: C'est exact. Il a déjà ce droit. Sous réserve des pouvoirs discrétionnaires du juge, ce droit lui est déjà garanti. En application de l'alinéa 3 de l'article 11, un prévenu en cour criminelle aurait le droit de demander au juge que son procès soit conduit dans sa langue maternelle. La décision est laissée à la discrétion du juge qui, compte tenu de toutes les autres circonstances de l'affaire (la langue du juré et du procureur, celle du juge lui-même, celle du sténographe du tribunal et enfin les moyens du tribunal) décide s'il est

couramment, - j'espère que non, sans cela je vais être obligé de me mettre au travail. Est-ce qu'il exige que tous les Canadiens commencent à apprendre le français dès maintenant? Est-ce qu'il exige que tous les Canadiens francophones commencent à apprendre l'anglais dès maintenant? Qu'est-ce que c'est que ce projet de loi? En général, de quoi s'agit-il?

LE TRÈS HONORABLE P.E. TRUDEAU: Je pense que le ministre de la Justice du Canada sera très heureux de répondre rapidement à votre question.

L'HONORABLE J.R. SMALWOOD: Ses réponses sont toujours excellentes, presque autant que les vôtres.

L'HONORABLE J.N. TURNER: Je serais heureux de vous donner une description générale, et, en dépit de la mise en garde du premier ministre de Terre-Neuve, je voudrais vous dire quelques mots de notre point de vue actuel en ce qui concerne sa constitutionnalité.

Je tiens à dire, tout d'abord, que j'ai beaucoup apprécié la courtoisie que m'ont manifestée, lors de mon voyage en avion d'un bout à l'autre du pays, les premiers ministres et leurs procureurs-généraux. Lors de ce voyage nous avons discuté de ce projet de loi et de l'ensemble du programme fédéral relatif à la constitution et aux langues officielles.

Pour répondre à la question du premier ministre Smalwood, le projet de loi prévoit essentiellement que dans les institutions fédérales du Canada, - c'est-à-dire dans la fonction publique, le gouvernement du Canada, les tribunaux fédéraux, les conseils d'administration fédéraux lorsque ces conseils fonctionnent dans des districts fédéraux bilingues, c'est-à-dire dans la capitale du Canada et dans certains districts bilingues du pays, - lorsqu'il y aura une minorité de 10 pour cent d'une des deux langues officielles ce qui, comme le premier ministre l'a fait remarquer...

L'HONORABLE J.R. SMALWOOD: De dix pour cent ou plus.

L'HONORABLE J.N. TURNER: ... affecterait certaines parties de l'Ontario, du Nouveau-Brunswick, de la province de Québec, du Manitoba et de la Saskatchewan; peut-être aussi y aurait-il un district en Alberta. Certaines parties de la Nouvelle-Ecosse. Cependant, le projet de loi

Pour parler très franchement, je suis convaincu qu'au bout d'un certain nombre d'années les frais se stabiliseront et seront comparables à ceux du système anglophone, d'ici disons quatre ou cinq ans. Cependant, il faudra compter sur cette période de quatre ou cinq ans.

Nous devons également prévoir certaines immobilisations importantes étalées sur plusieurs années. Je ne suis pas un expert en ce domaine, et je n'ai pas encore discuté cette question avec mon premier ministre, cependant si vous intéressez à ces programmes à frais partagés j'ai une solution très simple à vous proposer: fournissez-nous entièrement le capital nécessaire aux immobilisations pour ces programmes. Ainsi il n'y aurait pas de partage des frais. Ce programme serait entièrement vôtre et alors la question deviendrait relativement théorique.

LE TRÈS HONORABLE P.E. TRUDEAU: Et cela constituerait une utilisation valable du pouvoir de dépenser...

L'HONORABLE W.J. DAVIS: Je ne peux pas parler au nom du trésorier. A l'heure actuelle, c'est le premier ministre qui est en rapport avec le Conseil du trésor. Je dirais que c'est probablement lui. Enfin, voilà quelle est l'étendue du programme dans notre province, monsieur le premier ministre, messieurs, et cela entraîne certaines répercussions économiques. J'ai été très heureux d'entendre une fois de plus que le gouvernement fédéral le reconnaissait, et que, conformément à ce que prévoyait le rapport de la Commission B. et B., nous pouvons espérer une certaine aide économique pour le programme qui a été entrepris.

L'HONORABLE J.R. SMALLWOOD: Monsieur le premier ministre, puis-je vous demander si votre ministre de la Justice pourrait venir à l'aide d'un ou peut-être de deux millions de Canadiens d'un océan à l'autre, qui nous regardent et nous écoutent en ce moment? Je ne lui demande pas un discours de deuxième lecture, mais une description générale du projet de loi que nous discutons.

Ce matin, vous nous avez dit vous-même plusieurs des choses qui ne figuraient pas dans le projet de loi. Cependant, il n'y a pas eu, à ma connaissance, de description de ce projet à l'intention du grand public canadien.

Est-ce qu'il exigera que tout le monde à Terre-Neuve apprenne le français, le parle, le lise, et l'écrive

nous avons pris une méthode un petit peu différente et nous avons créé ce que nous appelons des comités consultatifs, qui sont élus en fait par les Franco-Ontariens assujettis à la taxe scolaire dans les différents villages.

Ce comité est composé de quatre ou six francophones et de trois représentants de la commission scolaire, le tout formant le comité consultatif francophone. Ainsi, l'ensemble de la collectivité francophone a la possibilité de participer à l'évolution du programme scolaire.

Monsieur le premier ministre, comme mon propre premier ministre l'a fait remarquer, je crois qu'il est important de signaler que ce qui compte vraiment c'est l'attitude des gens. Même avant l'introduction de la loi, qui est entrée en vigueur en janvier 1969, un certain nombre de villages et de villes de la province de l'Ontario ont précédé les dispositions de cette mesure législative, - je pense qu'ils savaient que celle-ci ne tarderait plus, - quoiqu'il en soit, ils ont agi et ils ont fourni des cours en langue française dans les écoles secondaires de leur villes avant la date d'entrée en vigueur de la mesure législative elle-même.

En conséquence, Monsieur le premier ministre, deux mille élèves sont maintenant au niveau de l'école secondaire, - très franchement certains ont quitté le système des écoles privées pour suivre les cours des écoles publiques de la province de l'Ontario, - et ils y reçoivent leur enseignement de base en français.

Cependant, il y a une chose au sujet de laquelle nous avons été parfaitement clairs: nous nous assurons que l'anglais sera un sujet obligatoire au programme car la plupart de ces jeunes gens devront, en dernière analyse, exercer leur profession, leur métier, ou tout ce que vous voudrez, très probablement dans un milieu anglophone. Nous pensons qu'il est de notre devoir de faire en sorte que ces jeunes aient une connaissance suffisante de l'anglais.

Mon premier ministre vous a dit, monsieur, que je pourrais parler de financement pendant quelques instants.

Il est évident que l'introduction de ce programme gonflera les frais de l'éducation dans la province de l'Ontario. Pendant la période de rodage, le coût de fonctionnement de nos nouvelles écoles secondaires dépassera celui des écoles du système anglophone. Cependant,

leur programme afin qu'il réponde aux besoins de ces institutions post-secondaires.

Nous avons également créé dans la province un type tout à fait nouveau d'institution, il s'agit de deux écoles normales bilingues qui nous permettent de former davantage d'instituteurs pour les écoles élémentaires bilingues de notre province.

Monsieur le premier ministre, nous avons eu ici à Ottawa, certains entrepreneurs, - peut-être en avez-vous été informé, - et certaines transactions qui permettraient de créer un collège pédagogique dans le cadre de l'Université d'Ottawa; en effet, une fois de plus, la formation du personnel enseignant est la clé de tout programme d'éducation. Il s'agit là encore d'un des éléments de ce que nous faisons actuellement en ce domaine.

Le premier ministre a mentionné l'étape très significative franchie en juillet dernier, lorsque des mesures législatives ont été proclamées dans notre province. Elles ne se contentaient pas d'autoriser l'enseignement bilingue ou l'enseignement en français dans le système scolaire public, mais leurs dispositions entraînaient des obligations: lorsque le nombre d'élèves francophones le permet du point de vue économique et éducatif, la commission scolaire publique, - et c'est un des aspects les plus intéressants de cette loi, - la commission scolaire publique devra prévoir, - il n'est pas question de lui en laisser simplement la possibilité, elle le doit, - des locaux et des programmes pour l'enseignement en français. Et nous espérons que lorsque le nombre d'élèves le justifiera, cela nous permettra d'avoir un programme qui sera tout à fait comparable à celui du système anglophone. Nous aurons ainsi une gamme complète de matières dans le cadre de ce que nous appelons la méthode des écoles mixtes.

Monsieur le premier ministre, messieurs, cela ne sera pas possible dans toutes les régions de la province de l'Ontario car le nombre des élèves francophones ne le justifierait pas, mais nous savons que ce système fonctionnera dans certaines parties de notre province.

Je crois qu'il serait également bon maintenant de vous indiquer très rapidement un des principes qui inspire notre action. Nous avons essayé d'obtenir la participation de la collectivité francophone, non pas en tant que membres des conseils d'administrations, car dans un bon nombre de régions ceux-ci seront essentiellement des anglophones, mais

soumises et par les facilités d'accès à l'éducation qu'elles offriront, ces écoles devront équivaloir à celles de la majorité de la province".

Nous avons souscrit à cet objectif et nous prenons les mesures nécessaires pour qu'il soit atteint. Evidemment, nous ne croyons pas que les Franco-Ontariens puissent vivre dans notre province sans connaître également l'anglais et naturellement nous ferons en sorte que nos jeunes recevant leur éducation en français puissent également parler anglais, travailler en anglais, enfin avoir une connaissance suffisante de cette langue.

Nous allons recevoir sous peu le rapport définitif du comité qui étudie cette question - je crois qu'il sera publié dans le courant du mois - et il touchera toute une gamme de sujets. Nous avons demandé qu'on nous conseille sur des questions telles que les programmes, le personnel, l'administration, toutes questions qui nous intéressent dans le contexte de l'éducation francophone dans notre province.

Malheureusement, monsieur le premier ministre, j'ai ce matin pris l'engagement de ne plus d'argenter aujourd'hui. - Je suis donc obligé de passer la parole au ministre de l'Éducation.

L'HONORABLE W.J. DAVIS: Monsieur le premier ministre, messieurs, mon intervention sera très brève. Le premier ministre m'a demandé de vous exposer nos préoccupations économiques dans la mesure où elles se rapportent au programme de l'enseignement en français dans les écoles de l'Ontario, afin de donner aux participants à la Conférence une idée de l'étendue du programme et de son prix.

Il y a beaucoup de gens aujourd'hui, particulièrement parmi les jeunes, qui considèrent que les progrès ne sont dans certains cas que des "mesures symboliques". Messieurs, monsieur le premier ministre, je tiens à déclarer qu'il ne s'agit pas ici d'une expérience, ni d'un projet pilote. Ce programme s'applique à plusieurs milliers de jeunes qui étudient dans les écoles publiques dans la province de l'Ontario. En septembre 1967, il y avait plus de 94,000 élèves francophones dans les écoles élémentaires bilingues. Dans la province de l'Ontario, nous avons eu, nous avons toujours, deux universités bilingues auxquelles le gouvernement fournit certains crédits supplémentaires, afin de leur permettre de donner des cours en français et de développer

le 3 juillet 1968, et je crois qu'elles n'ont pas d'équivalents au Canada pour les garanties constitutionnelles qu'elles donnent aux langues anglaises et françaises dans l'ensemble de notre système d'écoles publiques. Nous sommes fiers d'avoir pu faire cela. Nous avons lu les recommandations du deuxième volume du rapport de la Commission royale d'enquête sur le bilinguisme et le biculturalisme, et nous pensons que nous avons respecté l'esprit et les intentions des recommandations de ce rapport. Nous pensons que nous avons fait ce qui est nécessaire pour faire face à nos responsabilités et, franchement, je pense qu'il n'est pas nécessaire que nous allions plus loin dans ce domaine. Il reste quelques propositions qui doivent encore être éclaircies et évaluées, mais cela sera fait en temps et lieu.

Je voudrais dire quelques mots au sujet de la question de l'enseignement dans la langue de la minorité, le français ou l'anglais, selon le cas. Cela intéresse tous ceux qui sont réunis ici aujourd'hui. En ce qui concerne la question de l'enseignement dans la langue de la minorité, nous pensons que les parents canadiens devraient pouvoir, chaque fois que c'est possible, faire éduquer leurs enfants soit en anglais, soit en français. Nous sommes convaincus que ce principe de base ne devrait pas être remis en question par un gouvernement, quel qu'il soit, ou même par un Canadien, quel qu'il soit. Nous croyons que cela est fondamental, et nous pensons que nos mesures législatives de juillet dernier, dont j'ai déjà parlé, sont une application claire et réaliste de ce principe.

Ces objectifs figurent à la page 141 du deuxième volume de la Commission royale d'enquête sur le bilinguisme et le biculturalisme, et je cite:

"Au chapitre premier, nous avons proposé des objectifs généraux pour l'enseignement aux minorités francophones et anglophones: d'une part, assurer aux deux communautés de langue officielle des possibilités égales de préservation et d'épanouissement de leur langue et de leur patrimoine culturel; d'autre part, faire en sorte que l'enseignement donné dans leurs écoles permette d'acquérir une connaissance suffisante de la langue et de la culture de la collectivité majoritaire. Par les normes pédagogiques auxquelles elles seront

Nous ne prendrons pas l'initiative d'un tel renvoi car, et je suis d'accord avec vous, monsieur Robichaud, on me fait savoir que cette mesure est légale. Cependant, si un doute existe, nous pensons qu'il faudrait l'éliminer. Mais nous pensons aussi qu'il devrait être éliminé rapidement afin que cette question d'ordre juridique ne retarde pas la mise en oeuvre de ce projet de loi.

Maintenant, quelque soit la décision - bien que nous soyons tout à fait certains que la Cour statuera que ce projet de loi est constitutionnel - nous pensons que ce qui est vraiment nécessaire c'est que ce projet de loi et les principes sur lesquels il repose ait l'appui des Canadiens. Si ce n'est pas acquis, comme je le disais hier, nous aurons beau écrire la loi sur une feuille de papier, si nous, en tant qu'êtres humains, ne l'acceptons pas, elle n'aura pas une bien grande efficacité. Le projet de loi perdra une grande partie de sa valeur pratique, à notre avis, s'il n'est pas épaulé par les Canadiens. Comme je l'ai dit, pour nous c'est un acte du gouvernement fédéral dans l'exercice de sa compétence dans ce domaine, et en tant que tel nous le soutenons.

Nous voudrions que ce projet de loi soit discuté ici aujourd'hui. J'expose notre position en toute franchise et s'il y en a d'autres, je crois que le moment est venu de les entendre.

Comme je l'ai dit, nous pensons que ce n'est pas la lettre de la loi qui est importante à cet égard; ce qui compte c'est son application et ce qu'en pensent les gens.

Je ne me propose pas maintenant de vous exposer par le détail toutes les mesures que nous avons prises pour fournir des services bilingues et pour tenir les promesses que nous avons faites ici l'année dernière. Je me contenterai de dire que nous avons, à mon avis, pris certains engagements à cette Conférence au sujet des droits linguistiques, et je voudrais vous donner au moins un rapport succinct de ce que nous avons fait pour tenir ces engagements.

Nous avons pris des mesures vraiment importantes dans le domaine de l'éducation en langue française. Il y a un an, j'ai fait savoir à la Conférence que nous avions nommé un comité pour étudier l'ensemble de la question des écoles francophones en Ontario, et que nous avions introduit des mesures législatives afin de donner une base légale à l'éducation élémentaire et secondaire en français dans l'Ontario. Ces mesures législatives ont été adoptées

essentiellement juste et équitable. Nous devrions aussi agir en sachant que ceux qui nous regardent agir reconnaissent que ce que nous faisons est juste et équitable.

Nous considérons que le travail effectué par le Sous-comité des Langues officielles (je suppose qu'il sera soumis à la Conférence en temps et lieu) est très important. Nous sommes très satisfaits d'avoir pu échanger des idées et des données techniques avec beaucoup d'autres provinces à l'occasion du travail de ce Sous-comité; ainsi nous savons mieux ce qui se passe dans les autres provinces.

Nous pensons que la série de mesures proposées par le Sous-comité constitue probablement une méthode tout à fait acceptable de régler le problème. Cependant nous voulons que le Sous-comité continue ses travaux.

Je devrais peut-être vous donner un aperçu de l'attitude de l'Ontario vis-à-vis la question des langues officielles du Canada. Les trois propositions que nous avons soumises au Comité permanent fixaient clairement les principes à la base de la position de notre province. Nous avons appliqué ces principes, et nous pensons que, grâce aux processus législatifs de chaque gouvernement, nous pouvons probablement assurer la protection la plus efficace des droits linguistiques. Nous croyons que le processus législatif et juridique utilisé dans notre province nous permet d'envisager sans aucune appréhension le geste que vient de poser le gouvernement fédéral en introduisant son projet de loi sur les Langues officielles. Pour nous, ce projet de loi est le moyen employé par le gouvernement fédéral pour agir et pour faire face à ses responsabilités dans un domaine qui est de sa compétence et nous l'acceptons. Le contenu du projet de loi ne soulève aucune objection de notre part; je l'ai d'ailleurs déclaré à notre Assemblée législative, il y a une semaine environ.

Nous ne nous opposons pas forcément à ce que sa constitutionnalité soit évaluée par la Cour suprême du Canada. A notre avis, s'il n'y a pas de doute quant à sa constitutionnalité il faut éliminer cette possibilité. Si ces doutes existent, je crois que l'on pourrait demander aux juges d'étudier la question très rapidement, ils le pourraient sans doute, peut-être même un peu plus rapidement que lorsqu'il s'agit de mesures législatives normales qui sont soumises à la Cour suprême du Canada.

C'est beaucoup plus que cela, c'est une question de coeur, c'est une question de conscience, c'est une question d'attitude, c'est une question de générosité. C'est pourquoi un incident qui se produit dans notre pays, aussi mineur soit-il, ayant trait et mettant en jeu les droits et privilèges linguistiques, pourrait déclencher des réactions sérieuses, et parfois même violentes, dans d'autres régions du pays. Il nous faut attaquer cette question avec un maximum de calme et de logique, car il y a toujours au Canada des attitudes étroites et légistes quant à l'ensemble de cette question. Nous pensons que l'action, ou l'inaction, des gouvernements, des groupes ou des individus est absolument essentielle à la création du climat qui, selon nous, est indispensable si nous voulons trouver une méthode pour résoudre ce problème. Nous pensons que chaque homme, que chaque organisme, a un rôle à jouer dans le développement d'attitudes positives quant au rôle des langues officielles au Canada.

Nous devons reconnaître que ce qui se passe dans un endroit peut avoir des répercussions dans un autre endroit, aussi loin soit-il. À cet égard, aucune province n'est comme une île pouvant agir de façon parfaitement autonome car ce qu'elle fera influencera forcément les attitudes adoptées par les habitants des autres régions du Canada.

Je crois que lorsque nos différents gouvernements élaboreront les divers éléments, quels qu'ils soient, de la politique linguistique du pays, il ne faudra pas oublier ces vérités. Je crois que nous devons essayer d'éviter que les différents événements qui pourront se produire ne nous cachent la situation dans son ensemble. Je crois que nous devons essayer d'éliminer les raisons des malentendus, s'il y en a, tout en ayant conscience du fait qu'il s'agit d'un problème à très long terme, d'un problème qui ne sera pas résolu du jour au lendemain.

On nous a dit ici qu'il est difficile de trouver des personnes compétentes dans les deux langues qui pourront prendre les mesures qui s'imposent, soit en assurant des services au niveau du gouvernement dans les deux langues, soit en assurant les services d'enseignement que nous pouvons souhaiter. Nous ne pouvons pas résoudre cette difficulté du jour au lendemain, mais je crois que nous pouvons repartir du point où nous en étions il y a un an et continuer à construire sur cette base. Je crois que nous devons reconnaître que ce que nous faisons est

pays"? Et l'on ajoute: "Il résulte de cet ensemble de faits un 'leadership' québécois pour la promotion de la langue et de la culture française au Canada, quelle que soit la solution politique qui l'empporte, en définitive. Cela résulte non des idéologies ou d'un quelconque messianisme, comme on en parlait jadis, mais de la nature des choses. Dans ce sens, qu'on le veuille ou non, il est évident et indiscutable que le Québec n'est pas une province comme les autres".

LE TRÈS HONORABLE P.-E. TRUDEAU: Merci, monsieur Bertrand.

(TRADUCTION)

L'HONORABLE J.P. ROBERTS: Monsieur le premier ministre, en février dernier nous avons déclaré que le rôle de l'anglais dans les collectivités francophones du Canada constituait un des problèmes critiques qui se posent au Canada. Nous avons dit alors, et c'est toujours notre conviction, qu'il faut trouver une solution à ce problème afin de répondre aux besoins légitimes des deux groupes linguistiques et créer un climat propice qui permettra au pays de mieux faire face aux défis que sont la transformation de la constitution que nous discutons ici, et les disparités économiques.

Je crois que c'est la seule allusion aux questions d'argent que je me permettrai cet après-midi.

Je crois qu'au cours des deux dernières années, les Canadiens dans leur ensemble ont pris conscience des difficultés linguistiques de notre pays, à la fois, grâce à la Conférence de la Confédération de demain, où la question a été discutée ouvertement sans doute pour la première fois, et à la Conférence constitutionnelle qui a eu lieu il y a un an. Il y a un an nous avons créé un certain climat. On peut se demander si au cours de l'année qui s'est écoulée nous sommes montés capables d'améliorer ce climat, mais en ce qui nous concerne, nous croyons que l'ensemble de ce problème est une des clés des progrès qui pourront être accomplis lors de nos discussions constitutionnelles. Nous ne pensons pas le rôle des deux langues officielles au Canada peut être défini simplement grâce à des directives, des règlements, des mesures législatives, des chartes ou même des constitutions. Nous pensons naturellement qu'il est nécessaire de prendre des mesures de cet ordre, mais nous pensons aussi qu'il faut que les Canadiens dans tout le pays agissent avec générosité et justice dans cette question de l'utilisation des langues. Nous ne pensons pas que ce soit

des autres provinces se développeront et que l'on corrigera ce que nous avons considéré, depuis tellement longtemps, comme de longues années d'injustice à l'endroit de nos compatriotes.

Et parfois, on est surpris de nos réflexes. J'avais l'occasion, avec un de nos collègues, premier ministre d'une des provinces canadiennes, hier soir, de parler du Québec et de lui dire: "Si nos propos vous surprennent quelquefois, voulez-vous placer dans la situation où nous sommes? Il n'y a rien pour comprendre les autres que de se placer dans la situation où sont les autres". Nous sommes 5 millions, 5½ millions, environ dans la province de Québec. Nous sommes majoritaires et c'est la Commission Dutton-Laurendeau, dans deux paragraphes que je crois à propos de reprendre ici, qui ont déjà été cités à cette Conférence, où l'on parle de la dimension politique du rôle du Québec, où l'on dit que: "Nous savons que les anglophones sont majoritaires, dans neuf des dix provinces canadiennes et que les francophones, eux, sont majoritaires dans le Québec. Voilà la situation dont il faut tirer profit. En effet, la concentration de plus de 4 millions de francophones, dans une même province, est le seul facteur qui donne, au départ, quelque réalité au concept d'association dans l'égalité. Le Québec est donc un milieu où les aspirations et les besoins de quatre francophones sur cinq, au Canada peuvent être satisfaits. Du seul fait de la concentration, la vie en français, s'y réalise spontanément et est plus facile à organiser".

"C'est pourquoi, à notre avis, écrivaient les commissaires Dutton et Laurendeau, le rôle des Québécois dans la vie française au Canada devrait être reconnu bien plus qu'il ne l'est dans la pratique aujourd'hui. Nous songeons en particulier au monde du travail dans le secteur public fédéral et dans le secteur privé. Mais la situation a aussi un aspect politique. Le Québec est la seule province où les francophones sont en majorité et les anglophones en minorité. Cette fois, le poids du nombre joue en faveur des francophones et c'est pour eux un puissant levier. Ils peuvent exercer chez-eux une influence prépondérante, il leur est en outre possible de se faire entendre par le reste du pays notamment, bien entendu, au Parlement fédéral et aussi de participer avec vigueur à la vie du Canada. Cela bien entendu ne va pas sans risque. Le problème peut donc se formuler ainsi: comment intégrer le Québec nouveau dans le Canada d'aujourd'hui, sans restreindre l'élan québécois mais aussi sans risquer l'éclatement du

qu'ils trouvent chez-nous un épanouissement qui dépasse le terme même d'un texte juridique et qui corresponde à notre réalité démographique".

Monsieur le président, vous et tous les collègues qui sont ici présents et qui suivez l'actualité, vous avez noté que le gouvernement du Québec a posé des gestes en vue de déterminer comment ces deux objectifs pourront être atteints. Notamment, par la création de la Commission d'enquête Gendron, dont c'est le mandat de recommander les mesures à prendre pour assurer les droits linguistiques de la majorité au Québec, aussi bien que la protection des droits de la minorité.

Le Québec entend donc s'acquitter pleinement de ses responsabilités dans ce domaine et vous me permettrez de rappeler que la situation actuelle de la minorité anglophone au Québec est restée à l'heure actuelle, celle décrite par la Commission sur le bilinguisme et le biculturalisme, situation qui a été proposée comme modèle pour le reste du Canada.

Vous avez demandé tantôt, monsieur le président, quelle était l'attitude du Québec à l'endroit des minorités françaises au Canada. Je n'ai pas besoin de rappeler l'histoire, ce serait long, fastidieux et il y aurait énormément de vérité, dans tous les propos que je pourrais tenir. Mais disons que, à l'heure actuelle, et depuis quelques années, par le truchement du ministère des Affaires culturelles du Québec, une aide appréciable a été apportée à nos minorités canadiennes-françaises, en Ontario, au Nouveau-Brunswick, en Saskatchewan, au Manitoba, en Alberta, en Colombie-Canadienne, que des bourses ont également été versées à des étudiants et à des professeurs, que des subventions ont été payées à des associations canadiennes-françaises de diverses provinces. Il y a même un journal de la province du Nouveau-Brunswick, le journal L'Evangéline, qui a reçu une aide substantielle du gouvernement du Québec et j'ajouterais que dans ce domaine-là, le ministère des Affaires culturelles, par son département du Canada français outre-frontière, a même apporté beaucoup d'aide à nos compatriotes franco-américains des Etats-Unis.

C'est donc dire que, sur le plan fédéral, nous acceptons le principe du projet de loi. Nous avons des réserves, comme je l'ai noté, quant aux modalités. Quant à l'aide aux minorités canadiennes-françaises, nous espérons que les politiques établies par les gouvernements

les provinces restent entièrement libres d'aborder ce problème de langues de la manière qui convient le mieux à leur situation propre. Et d'ailleurs, j'ai entendu, non seulement à l'occasion de cette Conférence, mais également à l'occasion de la Conférence de Toronto sur la Confédération of Tomorrow et de la première Conférence fédérale-provinciale en vue de la révision globale de la constitution canadienne, j'ai entendu combien de premiers ministres de provinces, comme d'ailleurs aujourd'hui dire que dans leur province, on faisait les efforts, dans le domaine de l'éducation en particulier, pour assurer un plus grand rayonnement de la langue française.

Je vous avoue qu'il fait bon, autant pour moi que pour mon compatriote, le premier ministre du Canada et mes autres compatriotes qui sont ici, d'entendre qu'après tant d'années, il y a un réveil de ce côté et que les premiers ministres des autres provinces canadiennes s'intéressent davantage au rayonnement du français dans le domaine de l'éducation chez-eux; et je n'en veux comme exemple que les gestes très positifs et peut-être plus spectaculaires posés par deux des provinces limitrophes du Québec, la province de l'Ontario et la province du Nouveau-Brunswick.

Monsieur le président, il serait clair, alors, que ce projet ne concerne que les institutions fédérales et que les provinces, je le répète, resteront entièrement libres d'aborder le problème des langues de la manière qui convient le mieux à leur situation propre.

Je voudrais dire quelques mots des deux autres aspects de la question, auxquels j'ai fait allusion au début. Dans le mémoire qu'il avait déposé devant la première réunion de cette Conférence l'an dernier, mon prédécesseur, monsieur Johnson, avait dit ceci: "Certains des nôtres s'élèvent même contre la situation faite à la langue anglaise au Québec. Disons tout de suite que nous ne corrigerons pas ce que cette situation peut comporter de surprenant, si l'on considère les avantages considérables dont jouit notre minorité de langue anglaise, en privant celle-ci de l'un ou de l'autre de ses droits fondamentaux. De fait, nous sommes entièrement disposés, sous une forme qui reste à déterminer, à garantir par de nouvelles dispositions constitutionnelles, le droit de la langue anglaise au Québec". Et je continue la citation: "Il convient cependant et dans le même esprit, que les droits du français au Québec soient non seulement garantis mais

disponibles dans les deux langues partout où il y a la moindre concentration d'anglophones et même ailleurs, puisque la plupart des fonctionnaires fédéraux, chez nous, au Québec connaissent l'anglais et le parlent. D'ailleurs, le projet fédéral précise que des districts bilingues seront établis partout où les services étaient disponibles dans les deux langues avant l'entrée en vigueur de la loi même si la minorité est inférieure à dix pour cent. On pourra peut-être en discuter dans les détails de la loi. Je n'aurais pas d'objection, au contraire, à ce que vous, ou votre collègue, le ministre de la Justice, me repreniez si je commets des erreurs dans les propos que je tiens puisque j'entre dans les modalités du bill. Puisque ce n'est plus le principe.

C'est donc dire qu'en pratique, tout le Québec sera un district bilingue. À l'inverse, toutefois, les districts bilingues dans les autres provinces pourront vite se transformer en ce que l'on pourra appeler, en certain cas, des réserves ou des ghettos, et nuire à la mobilité des francophones. Un Canadien français, par exemple, hésitera peut-être à s'établir ailleurs que dans des districts bilingues. Ça en sera alors fini de l'extension de rayonnement du français d'un océan à l'autre, à l'extérieur de ces districts.

Je demande donc au gouvernement fédéral d'aller jusqu'au bout de ses principes, et de déclarer qu'au niveau des institutions fédérales, l'anglais et le français ont partout au Canada exactement les mêmes droits. Evidemment, ce serait manquer de réalisme que de ne pas l'admettre, je comprends et j'accepte que la mise en oeuvre de ce principe d'égalité devra se faire progressivement, à mesure que le bilinguisme fera des progrès. On devra commencer par donner des services dans les deux langues, là, bien entendu où il y a des Canadiens des deux langues. Mais peu à peu, c'est tout le Canada qui, au niveau des institutions fédérales, dans les années à venir, - combien de temps cela prendra-t-il? quelle sera la durée de cette période? peu importe - C'est à ce moment-là que tout le Canada devra être bilingue, non seulement le Québec et certains districts des autres provinces.

Il me semble également que la disparition du concept de districts bilingues serait peut-être de nature à calmer les craintes qu'ont exprimées certaines provinces à l'égard du projet de loi fédérale. Il serait clair, alors, que ce projet ne concerne que les institutions fédérales et que

Au Nouveau-Brunswick, nous sommes à cent pour cent en faveur du projet de loi fédéral, et à la session du printemps de l'Assemblée législative, nous présenterons un projet de loi proclamant le français et l'anglais comme les deux langues officielles du Nouveau-Brunswick. La légalité de ce projet devrait-il faire l'objet d'un renvoi aux tribunaux que nous aurons toute une équipe d'avocats pour le défendre, et je suis absolument certain que nous aurons gain de cause.

Maintenant, se pose la question du prix.

Là, il nous faudra négocier avec le gouvernement fédéral. C'est pourquoi nous allons très probablement suspendre l'application de notre projet de loi. En effet nous voulons savoir exactement, -- pas nécessairement, exactement, mais approximativement, -- quelle forme d'aide financière le gouvernement fédéral pourra nous accorder car, d'après le rapport de la Commission sur le bilinguisme et le biculturalisme, le gouvernement fédéral prendra à sa charge une partie des dépenses assumées par les diverses provinces. Cette aide doit, je crois, être négociée.

(FRANCAIS)

..... et nous sommes prêts à négocier ceci avec les autorités fédérales.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Robichaud.

Monsieur Jean-Jacques Bertrand?

L'HONORABLE J.-J. BERTRAND: Monsieur le président, je suis heureux de répondre à l'invitation que vous m'avez faite tantôt de tenir quelques propos sur cet item de l'Ordre du jour, que l'on appelle "langues officielles". D'ailleurs, sans votre invitation, je l'aurais fait quand même. C'était mon devoir, car je crois que le Québec doit faire entendre sa voix, ici, sur un problème de cette nature.

Il ne fait pas de doute que le problème de la langue est actuellement, partout au Canada, y compris au Québec, un sujet extrêmement délicat, complexe et difficile.

Je crois qu'il faut d'abord distinguer les différents aspects du problème. A mon sens, il y en a au moins trois.

Il y a d'abord la question du bilinguisme, au niveau des institutions fédérales, de façon que ces institutions servent vraiment tous les Canadiens de l'une et l'autre

cultures. Il s'agit, bien entendu, à ce moment-là, d'une question qui relève du Parlement fédéral.

Il y a ensuite le problème des minorités de langues officielles et des mesures qui doivent être prises pour que ces minorités soient traitées avec justice. Il s'agit d'un aspect, à ce moment-là, qui relève à la fois du Gouvernement fédéral et des provinces.

Enfin, il y a le problème de l'usage et du développement du français au Québec même. Un problème qui vient de la prédominance écrasante de l'anglais en Amérique du Nord. Il s'agit d'une question, à ce moment-là, au Québec, qui relève surtout du Gouvernement du Québec.

Je voudrais maintenant expliciter la position du Québec sur chacun de ces trois aspects du problème des langues officielles.

Monsieur le Président, le Québec est en faveur du bilinguisme au niveau des institutions fédérales. Nous croyons que ces institutions appartiennent à tous les Canadiens et que tous les Canadiens de langue française comme de langue anglaise doivent y avoir un accès égal et doivent pouvoir y travailler sans entrave. Cela n'est possible que si l'anglais et le français y sont au même pied, tant comme langues de travail à l'intérieur de ces institutions, que comme langues de communication avec les citoyens.

Le Québec est donc en faveur du principe à la base du projet de loi fédérale, sur les langues officielles, bill ou projet de loi intitulé: "Bill C-120, Loi concernant le statut des langues officielles du Canada", dont la première lecture, suivant le document que j'ai devant moi, a eu lieu le 17 octobre 1968.

Et nous demandons aux autres provinces de ne pas s'opposer, en principe, à son adoption.

Le Québec, toutefois, et on l'aura noté au sous-comité des langues officielles qui a été formé au sein de la Conférence constitutionnelle canadienne, a cependant fait des réserves à l'égard d'une des modalités importantes du projet de loi fédérale. Il s'agit de l'établissement de districts bilingues. Par exemple, il est clair que dans le cas du Québec, ce concept des districts bilingues ne voudra rien dire, puisqu'en fait, tous les services fédéraux ou à peu près sont déjà

lorsqu'il a dit que personne au Canada ne serait obligé de parler une deuxième langue, malgré lui.

Personne ne sera forcé contre sa volonté à parler une deuxième langue. Le fait de vivre au Nouveau-Brunswick ou dans la province de Québec, ou en Alberta, ou en Colombie-Britannique, ne fait aucune différence. Personne ne sera obligé à parler une deuxième langue. Mais pourquoi ne pas prévoir la possibilité de parler cette deuxième à celui qui souhaite l'apprendre?

Le premier ministre Smallwood a dit hier que la somme à payer pour que le Canada reste uni sera négligeable. Et je suis entièrement d'accord. Je ne crois pas que le coût ait une telle signification, -- je ne parle pas seulement du coût matériel exprimé en dollars, -- je ne crois pas que quiconque sera offensé si cette caractéristique est incorporée soit dans la constitution soit dans une charte des droits de l'homme.

Le Nouveau-Brunswick approuve à l'unanimité cette mesure législative, et je dis à l'unanimité en toute connaissance de cause. Je sais qu'il y a une minorité qui pense que si ce projet devient loi il aura des effets néfastes. Je ne le pense vraiment pas. Je peux parler l'anglais et le français, et il y a beaucoup de gens qui peuvent en faire autant, mais tout le monde n'est pas obligé d'en faire autant. Je ne crois pas qu'il soit essentiel qu'un fonctionnaire soit bilingue, qu'il travaille pour le gouvernement fédéral ou pour un gouvernement provincial. Je ne le pense vraiment pas. S'il se trouve qu'il est bilingue, tant mieux. Cela ne veut pas forcément dire que son salaire doit être plus élevé. S'il est bilingue, c'est bien sûr beaucoup mieux.

La semaine dernière, le secrétaire d'une association qui vient d'être créée au Nouveau-Brunswick, l'Association des Indiens, est venu me voir à mon bureau. Il y a deux tribus d'Indiens au Nouveau-Brunswick, les Malecite et les Micmac.

Ils se sont adressés à moi, me demandant de les aider à préserver leur culture et leur langue. Je leur ai répondu que je les aiderais au maximum. Ce n'est pas que j'ai la moindre intention de parler Malecite ou Micmac. Je ne vais pas apprendre cette langue. Cependant je combattrai pour leur droit à conserver leur propre langue; à mon avis, c'est un droit essentiel et fondamental.

n'outrepasse absolument pas ses droits lorsqu'il veut que la légalité du projet de loi actuellement soumis à la Chambre des communes soit examinée par un tribunal.

Je dois dire qu'à mon humble avis il y a 99.999 chances sur cent que ce projet soit légal. Je devrais même dire cent chances sur cent. Quoiqu'il en soit, je crois qu'on peut se réserver le droit de le faire examiner par les tribunaux.

Entre-temps cependant, je ne crois pas que nous devrions ralentir l'application de cette mesure législative. Je sais qu'au Nouveau-Brunswick, nous ne sommes pas prêts à arrêter; nous voulons aller de l'avant, parce que nous croyons que l'habileté de parler deux langues est un avantage pour tous les Canadiens, qu'ils soient de langue française ou qu'ils soient de langue anglaise.

(TRADUCTION)

Maintenant, il y a deux façons d'aborder la question. Nous devons décider, tout d'abord, si les deux langues officielles seront garanties ou non dans le texte de notre constitution. Et si nous assurons cette garantie, devra-t-elle être incorporée dans la constitution ou dans une charte des droits de l'homme.

L'autisme dernier, j'ai eu la chance de participer

aux délibérations d'un groupe d'experts au Congrès du Barreau, à Vancouver, et l'un des spectateurs m'a posé la question suivante: "Nous avons foi dans la nature humaine, n'est-ce pas, alors pourquoi devons-nous avoir une mesure législative proclamant les deux langues officielles? En

quoi avons-nous besoin d'une loi? Pourquoi ne pas adopter la suggestion du premier ministre Strom: Ayons foi en la nature humaine et laissons agir la nature." J'ai répondu:

"Toutes les provinces ont foi dans la nature humaine, cependant, il y a également dans toutes les provinces des lois qui réglementent la vente et la distribution des alcools

L'HONORABLE W.A.C. BENNETT: Il n'y a pas de comparaison possible.

L'HONORABLE L.J. ROBICHAUD: Et bien, il n'y a peut-être pas de comparaison, mais on pourrait en établir une. Personnellement, je ne vois pas ce qu'il aurait de mal à incorporer à la constitution, ou dans une charte des droits de l'homme, le droit de parler français et anglais. Qui en souffrirait? Personne n'en souffrirait. Le premier ministre l'a dit très clairement dans ses termes hier

(TRANSCRIPTION)

Avez-vous des commentaires à ce sujet?

L'HONORABLE H.E. STROM: M. le premier ministre, si vous me le permettez je voudrais dire un mot au nom de la province de l'Alberta. Tout d'abord, je veux qu'il soit parfaitement clair, et j'espère avoir donné cette impression dans mon discours d'hier, que notre gouvernement ne s'oppose pas à une plus large utilisation du français dans notre province. En fait, nous sommes convaincus que nous devons faciliter au maximum l'étude du français dans l'ensemble de la province. Vous devez d'ailleurs vous souvenir de certaines des mesures dont nous avons parlé qui ont été introduites afin de concrétiser nos intentions.

Nos inquiétudes en ce qui concerne le projet de loi sur les langues officielles n'ont pas trait à une plus grande utilisation de la langue française dans notre province. Nous voudrions, et nous ne pensons pas que ce soit une demande déraisonnable, que le gouvernement fédéral soit prêt à prouver la validité de ce projet de loi en le renvoyant aux tribunaux. Si, d'après le jugement, ce projet de loi ne nous affecte en aucune façon, alors, naturellement, il ne nous concerne pas et le gouvernement fédéral peut bien entendre l'adopter et l'appliquer s'il le souhaite. Je dois cependant ajouter qu'en Alberta, nous ne pensons pas que ceci représente la meilleure méthode d'assurer les plus grands avantages dans le domaine linguistique.

Nous pensons que l'on arrivera à de plus grandes réalisations sur une base volontaire. Ainsi, je tiens à le répéter très énergiquement ici aujourd'hui, cela soulèvera beaucoup moins de problèmes dans notre province. En conséquence, nous n'approuvons pas le projet de loi sur les langues officielles sous sa forme actuelle. Nous voudrions que le gouvernement fédéral le soumette aux tribunaux, mais encore une fois je déclare avec la plus grande netteté que nous ferons tout en notre pouvoir pour encourager l'utilisation et l'étude du français dans notre province.

LE TRÉS HONORABLE P.E. TRUDEAU: M. le premier ministre Robichaud?

L'HONORABLE L.J. ROBICHAUD: Je crois que la position du Nouveau-Brunswick sur la question des deux langues officielles a été clairement exposée à diverses reprises. Je crois que le premier ministre de l'Alberta

possible, nous aimerions organiser des conférences générales
à ce sujet.

(FRANCAIS)

Je voudrais seulement ajouter un mot peut-être à
l'adresse du gouvernement de la province de Québec: on a
dit hier, dans le mémoire, et je voudrais citer la phrase:
"que l'important pour les Canadiens français du Québec, ce
n'est pas de pouvoir individuellement parler leur langue,
même dans les régions du pays où elle a très peu de chance
d'être comprise; c'est de pouvoir collectivement vivre en
français, travailler en français et construire une société
qui leur ressemble."

Nous sommes d'accord sur l'importance de pouvoir
vivre collectivement en français, de travailler en français.
Et, en ce qui nous concerne, en tant que citoyens de la provin-
ce de Québec, nous voudrions dire à cette province, au gouver-
nement de cette province, que nous ferons tout ce qui est en
notre pouvoir pour assister le gouvernement de cette province,
l'assurer de la défense et l'illustration de la langue
française, et nous le ferons de toutes les manières qui sont
admissibles constitutionnellement.

Mais, la phrase que vous avez dite hier, monsieur
le premier ministre, c'est que c'est important pour les
Canadiens français du Québec.

Mais nous voudrions savoir ce que vous pensez des
Canadiens non français du Québec, et nous aimerions aussi
connaître votre position quand à ce qui est des Canadiens
français des autres provinces, ou ceux qui travaillent au
niveau du gouvernement fédéral. Et nous espérons que dans
cette lutte pour affirmer l'égalité des deux langues
officielles, que nous aurons l'appui de la province de
Québec et de son gouvernement qui, depuis tellement d'années,
s'est battu pour affirmer les droits du français; mainte-
nant, il s'agit de savoir si nous avons l'appui de votre
gouvernement pour la législation fédérale en ce sens, si
nous avons l'appui de votre gouvernement en ce qu'il
s'agit d'un amendement constitutionnel pour assurer que
dans toutes les autres provinces, et non seulement la votre,
les deux langues soient sur le même pied d'égalité.

Voilà à peu près ce que je voulais dire, et je
cèderai la parole à celui des chefs du gouvernement qui
voudra la prendre.

Une question d'ordre constitutionnel a été soulevée, je crois, par certains des premiers ministres des Prairies: pouvons-nous légiférer dans ce domaine non seulement dans la constitution mais également dans les statuts et dépasser ainsi les dispositions de l'Article 133? Nous pourrions en discuter cet après-midi et il se peut que ces deux questions constitutionnelles soient renvoyées à un comité permanent ou à un comité des procureurs généraux des provinces et du Canada qui examineront ces aspects du problème. Cela nous permettra, si nous ne pouvons tirer une conclusion aujourd'hui, de nous assurer que la question sera étudiée.

J'ai déjà dit que la deuxième question était une question d'ordre pratique. Elle consiste à fournir une aide technique aux provinces qui ont décidé d'appliquer les recommandations de la Commission sur le bilinguisme et le biculturalisme, ou le principe adopté l'année dernière. Cela signifierait, comme nous l'avons déclaré l'année dernière, et je le répète aujourd'hui au nom du gouvernement fédéral, que nous sommes prêts à offrir aux provinces, qui veulent s'occuper de leurs minorités parlant l'autre langue officielle, une aide technique ou financière d'une catégorie ou d'une autre.

Dès que j'aborde cette question, nous nous retrouvons dans le domaine du pouvoir de dépenser. Nous ne voudrions pas faire cela s'il n'était pas reconnu par les provinces que c'est une utilisation légitime du pouvoir fédéral de dépenser que d'aider les minorités d'un bout à l'autre du pays.

C'est une question que nous pouvons discuter; d'ailleurs, elle est rendue d'autant plus actuelle par la publication du volume 2 de la Commission sur le bilinguisme et le biculturalisme, qui se rapporte à l'éducation, et qui propose divers types d'aide technique et financière. Nous voudrions peut-être renvoyer cet aspect pratique de la question à un comité permanent de fonctionnaires, celui qui a été créé l'année dernière, car il n'a pas encore été étudié. J'ajouterais simplement pour les quelques provinces qui nous ont déjà fait savoir qu'elles sont prêtes à collaborer avec nous à ce sujet que nous sommes de notre côté prêts à les rencontrer individuellement. Nous préférons rencontrer les provinces en groupe, ainsi elles pourront exprimer divers points de vue et, si une fois de plus nous utilisons notre pouvoir de dépenser pour aider les minorités dans une province, les autres provinces ne pourront pas s'y opposer en prétendant qu'il s'agit d'une utilisation inacceptable de ce pouvoir. Si cela est

Depuis l'année dernière, ce principe est de plus en plus largement appliqué. Au niveau fédéral, comme vous le savez, nous avons dépassé la lettre des dispositions de l'Article 133 de la constitution qui impose certaines obligations ayant trait à la reconnaissance des deux langues officielles. Nous avons été plus loin; nous avons présenté en première lecture la loi sur les langues officielles, dont je pense que nous parlerons plus longuement plus tard. Les provinces ont également été plus loin que la lettre de l'Article 133 de l'Acte de l'Amérique du Nord britannique, qui impose au Québec et au gouvernement fédéral l'obligation de se servir des deux langues à l'Assemblée législative ou au Parlement. Certaines provinces ont été encore plus loin et ont fait du français une des langues officielles dans leurs assemblées législatives. Il s'agit, je crois, des quatre provinces de l'Atlantique et de la province de l'Ontario. En conséquence, il y a maintenant ces quatre provinces plus l'Ontario et le Québec, ce qui fait six et le gouvernement fédéral, ce qui fait sept; sept sur onze organes législatifs qui reconnaissent à la fois l'anglais et le français comme langues officielles.

De plus, nous avons les provinces qui nous ont déclaré hier (et nous avons entendu ces déclarations avec plaisir) qu'au cours des mois écoulés elles ont été plus loin dans l'application des droits linguistiques dans les écoles et elles ont soit entrepris des projets pilotes, soit ouvert des écoles, soit accordé le droit d'enseigner l'autre langue officielle dans les écoles de leur province, dans certaines conditions et selon certaines méthodes.

Donc, des progrès ont été réalisés et les questions que nous espérons pouvoir régler à cette Conférence sont une question d'ordre constitutionnel et une question d'ordre pratique. La question constitutionnelle est la suivante, devons-nous incorporer ces droits à la constitution, devons-nous déclarer dans la constitution que nous voulons non seulement que ces deux langues soient reconnues pour manifester notre bonne volonté, cette reconnaissance pouvant être modifiée par les gouvernements successifs, ou voulons-nous que ce soit un droit et un principe essentiels qui servent de base à notre pays, que les deux langues soient reconnues comme des langues officielles dans les régions où cela est possible.

(TRADUCTION)

LE TRÈS HONORABLE P.E. TRUDEAU: Nous traiterons cet après-midi des questions du point 4: Les langues officielles, j'espère que nous pourrions les discuter pendant une partie de l'après-midi; et d'autre part, les droits fondamentaux.

En ce qui concerne la première question, les langues officielles, j'espère que vous me permettrez d'ouvrir la discussion très brièvement car c'est un point que nous avons voulu mettre à l'Ordre du jour. Je tiens à répéter les déclarations que nous avons faites hier au nom de la délégation canadienne.

Pour l'essentiel, je crois que la question peut se ramener au choix entre deux sortes de Canada; l'un serait un Canada où le français serait exclusivement utilisé dans la province de Québec et l'anglais utilisé exclusivement dans le reste du pays. Il est probable que le gouvernement fédéral ne se servirait alors que de la langue anglaise. Naturellement, ce genre de Canada nous mènerait rapidement à une division en États associés, et en fin de compte probablement à deux Canada indépendants.

Il y a une autre sorte de Canada, celui auquel je crois que nous sommes arrivés l'année dernière à cette Conférence. C'est un Canada où le français et l'anglais sont reconnus comme étant les langues officielles. En pratique, cela signifie que dans les régions du pays où il y a un nombre suffisamment grand de gens qui parlent l'une des langues officielles, l'utilisation de cette langue officielle est justifiée dans les diverses institutions, dans les écoles, et dans les rapports que l'on peut avoir avec les autorités civiles.

Comme je l'ai dit, la décision a été prise, à mon avis, à la première réunion de cette Conférence constitutionnelle. Parmi les décisions qui ont été prises l'année dernière je veux citer la suivante:

"La Conférence reconnaît qu'ainsi que le propose la Commission royale sur le bilinguisme et le biculturalisme, et en toute justice, les Canadiens francophones n'habitants pas le Québec doivent jouir des mêmes droits que les Canadiens anglophones

**QUATRIÈME SÉANCE MARDI APRÈS-MIDI
Ottawa, le 11 février 1969**

des articles 4 a) et 4 b), nous aborderons la question des disparités régionales et les autres articles de l'Ordre du jour.

- La séance est levée pour le déjeuner.

A mon avis, ce rôle revient aux représentants élus, les intéressés à établir un niveau convenable. Qu'il s'agisse ou non d'un comité de ministres et de fonctionnaires, je serai satisfait dans la mesure où je pourrai y déléguer mon homme.

LE TRÈS HONORABLE P.E. TRUDEAU: Je ne pense pas que nos fonctionnaires répugneront à siéger avec lui.

Est-ce que cela vous va?

Pensez-vous que nous avons suffisamment discuté des disparités régionales? Bon nombre de déclarations ont abordé indirectement le sujet, mais si vous estimez que cela ne suffit pas, nous le placerons au début de l'Ordre du jour de demain matin.

Cet après-midi, la discussion portera sur les langues et sur les droits fondamentaux. S'il nous reste du temps, nous passerons aux autres articles de l'Ordre du jour.

Monsieur le premier ministre Smith?

L'HONORABLE G.I. SMITH: J'aimerais pouvoir discuter plus à fond les disparités régionales.

LE TRÈS HONORABLE P.E. TRUDEAU: Vous pousserez monsieur Roberts à parler encore d'argent.

L'HONORABLE J.P. ROBERTS: Certes pas. Je vais me tenir coi.

L'HONORABLE L.J. ROBICHAUD: Le premier ministre Roberts a signalé il y a un instant qu'il ne parlerait plus d'argent pendant le reste de la Conférence. J'espère qu'il ne veut pas biffer de l'Ordre du jour la question des disparités régionales.

L'HONORABLE J.P. ROBERTS: J'ai dit que je n'en parlerais pas. Vous, vous pouvez en parler tant que vous voulez.

L'HONORABLE L.J. ROBICHAUD: Il faut parfois parler d'argent.

LE TRÈS HONORABLE P.E. TRUDEAU: Demain matin, ou plus tard au cours de la journée si nous terminons l'étude

Eventuellement, c'est nous qui devons trancher la question. Ce sont là mes derniers mots sur l'argent au cours de cette Conférence.

L'HONORABLE W. WEIR: S'agit-il des problèmes à court terme, de ce que nous allons faire d'ici la révision constitutionnelle, ou des problèmes à long terme.

LE TRÈS HONORABLE P.E. TRUDEAU: Le premier ministre Robarts parlait des deux à la fois. Il s'agit du Comité sur le régime fiscal.

L'HONORABLE W. WEIR: A mon avis, le ministre des Finances est le seul membre de mon gouvernement qui va, en notre nom, approuver ou désapprouver toute hausse d'impôt, tout désistement de programmes à frais partagés, ou toute adhésion à de nouveaux programmes conjoints. Cette mission ne sera confiée à aucun fonctionnaire manitobain. Le seul homme que j'écoute attentivement, c'est lui.

LE TRÈS HONORABLE P.E. TRUDEAU: Peut-être que le

gouvernement fédéral et les gouvernements provinciaux devraient être autorisés à désigner les délégués de leur choix au Comité permanent, que nous pouvons appeler, si vous y tenez, le Comité des fonctionnaires et des ministres.

Bon nombre d'entre nous estiment qu'il serait opportun que les fonctionnaires tâchent de délimiter les problèmes et de nous présenter des formules de rechange avant que nous nous réunissions entre nous. Mais, si votre ministre des Finances désire assister...

L'HONORABLE W. WEIR: Il me faut quelqu'un qui puisse défendre les intérêts futurs du contribuable au cas où quelqu'un s'aviserait de nous servir un budget. Le donc nous n'aurions jamais entendu parler auparavant. Le dernier qu'on nous a servi...

L'HONORABLE E.J. BENSON: Je promets de m'en abstenir.

L'HONORABLE W. WEIR: Nous avons déjà entendu ces promesses. Tout ce que je veux, c'est que ces gens puissent, au cours de leurs délibérations, s'occuper de l'ensemble des impôts que doit assumer le contribuable.

nous attarder au passé, mais pour tâcher de régler les problèmes courants et futurs. Nous vous disions donc qu'il s'agit essentiellement de problèmes d'ordre constitutionnel et nous souscrivons à la proposition de monsieur Steward qu'ils soient renvoyés au Comité des fonctionnaires. Les chefs de gouvernements devront évidemment se réunir à un moment donné pour discuter des problèmes financiers. Encore une fois, nous sommes d'avis que cela sera possible lorsque nous aurons commencé à nous entendre sur les règles du jeu.

Je le répète: si l'ensemble de la population canadienne ne souhaite pas que l'autorité fédérale détermine son pouvoir de dépense, si elle veut l'en dépouiller, nous pouvons la satisfaire. Nous pouvons envisager cette éventualité. Nous pouvons prévoir les conséquences que cela aurait au Canada. Mais tout comme l'éducation est du ressort provincial, le pouvoir de dépenser est un pouvoir fédéral depuis un siècle. Nous sommes en train de scruter la constitution pour voir s'il y a lieu de la modifier de telle ou telle façon, et ce travail sera éventuellement le fait des chefs de gouvernements. Mais qu'allons-nous faire dans l'immédiat, lorsque la Conférence aura pris fin mercredi soir?

Ne devons-nous pas demander aux fonctionnaires ...

L'HONORABLE J.P. ROBERTS: Je pense que vous avez raison. Pour ma part, lorsque le débat reprendra après le déjeuner, je me garderais bien de parler d'argent une seule fois. Le sujet figurerait à l'Ordre du jour de la séance de ce matin; la séance est maintenant terminée, nous avons mis fin à nos délibérations là-dessus et nous allons passer aux autres articles de l'Ordre du jour.

Je signale simplement que nous ne réglerons rien en soumettant cette question aux ministres des Finances. Je pense que nous devrions la renvoyer au Comité sur le régime fiscal, qui mettra son travail à jour et nous présentera éventuellement les résultats. Au moment opportun, c'est à vous-mêmes et à tous les chefs de gouvernement réunis en ce moment qu'il appartiendra d'arrêter des décisions.

Mais de grâce, n'en saisissons pas les ministres des Finances, car cela ne servira qu'à retarder les choses.

serait convoqué par le ministre fédéral des Finances et qui pourrait discuter des problèmes immédiats: Medicare et les autres.

LE TRÈS HONORABLE P.E. TRUDEAU: Et bien, là-dessus, les ministres des Finances vont se réunir, lorsqu'un monsieur Benson aura produit son livre blanc, sur la réforme fiscale et peut-être qu'à cette occasion, les ministres des Finances voudront discuter de ce qui a été préparé par le Tax Structure Committee. Monsieur Roberts?

...

(TRADUCTION)

LE TRÈS HONORABLE P.E. TRUDEAU: Oui, monsieur Roberts.

L'HONORABLE J.P. ROBERTS: Monsieur le premier ministre, je ne pense pas que cette question puisse être réglée par les ministres des Finances. J'estime, pour ma part, qu'il faudra que les chefs de gouvernements en soient saisis, car elle est trop fondamentale, elle touche de trop près les fibres de notre vie nationale. J'ai l'impression que nous ne réglerons rien par une autre Conférence. Il faudra que nous, les chefs de gouvernement, en soyons saisis.

L'HONORABLE W.A.C. BENNETT: Il y aura des premiers ministres et des ministres des Finances.

L'HONORABLE J.P. ROBERTS: Il peut se faire accorder d'autant de conseillers qu'il le veut?

L'HONORABLE W.A.C. BENNETT: Seulement un ministre de plus.

L'HONORABLE J.P. ROBERTS: Sûrement. Je fais simplement remarquer que cette question est trop importante à mon avis pour être réglée par les ministres des Finances.

LE TRÈS HONORABLE P.E. TRUDEAU: Fort bien, monsieur le premier ministre Roberts, mais à quelle étape cela devrait-il se réaliser? Plusieurs premiers ministres provinciaux ont déclaré qu'ils n'étaient pas venus à la Conférence pour réclamer plus d'argent. Nous nous en sommes réjouis. Nous sommes surtout ici, non pas pour

Il y a aussi le problème des disparités régionales...

L'HONORABLE G.I. SMITH: Excusez-moi de vous interrompre, monsieur le premier ministre. Je ne m'oppose pas à ce que la question soit déferée au Comité permanent, mais cela ne règlera pas le problème que j'ai tenté de soulever. J'ai dit que ce problème constitutionnel est au fond un problème financier, et pour commencer à discerner comment la constitution peut l'aborder, comment prélever et dépenser ces fonds, il faut savoir combien il y en a. Quelle est la capacité des différents domaines d'imposition? Combien de revenu fiscal en peut-on tirer? Je ne pense pas que le Comité permanent soit bien renseigné là-dessus à l'heure actuelle. Je sais que la réponse exige beaucoup de travail, car nous l'avons déjà entrepris au sein du Comité sur le régime fiscal.

LE TRÈS HONORABLE P.E. TRUDEAU: C'est pourquoi j'ai signalé plus tôt que nous pourrions remettre à l'oeuvre le Comité sur le régime fiscal. Nous pourrions l'inviter à se réunir sous peu pour examiner ces problèmes d'intérêt immédiat. Le ministre des Finances, monsieur Benson, a présenté une proposition en ce sens en décembre dernier. Nous pourrions, non pas en qualité de membres d'une Conférence constitutionnelle, mais à titre d'intéressés aux problèmes financiers immédiats, ce que nous sommes tous, demander au Comité sur le régime fiscal de se réunir sous peu. Cela est possible n'est-ce pas, monsieur Benson?

(FRANCAIS)

L'HONORABLE J.J. BERRAND: C'est justement le problème que je viens de discuter avec mon collègue, le ministre des Finances. Nous avons dit qu'il y avait des problèmes à long terme: ça c'est nous, la Conférence constitutionnelle, que ça regarde. Mais il y a aussi des problèmes à court terme.

Certains exemples ont été donnés, ce matin, par le premier ministre. Est-ce qu'on doit avoir bientôt une conférence des ministres des Finances, pour continuer les pourparlers qui ont été commencés en novembre et en décembre, problèmes de financement, problèmes de taxation, en vue de trouver des solutions immédiates. Est-ce à cela que monsieur Smith faisait allusion, à la formation d'un Comité des ministres des Finances qui

Monsieur Weir dit: "Tous ces travaux-là sont préparés par les fonctionnaires". Il n'y a aucun doute qu'ils sont sous la responsabilité et le contrôle des gouvernements qu'ils représentent.

Mais j'avais compris, lorsque vous avez fait votre intervention, que vous vouliez parler surtout des pouvoirs d'imposition et de dépense, au sujet des problèmes actuels et immédiats et que c'était au sujet de ces pouvoirs d'imposition et de dépense, pour résoudre les problèmes immédiats, que vous vouliez former un comité. C'est ce que j'avais compris. J'ai peut-être mal compris, mal saisi votre pensée. Mais là, vous mettez ni plus ni moins en question l'item que nous avons à l'agenda: la procédure à suivre pour la révision de la constitution.

(TRANSCRIPTION)

L'HONORABLE W. WEIR: Si je me suis mal exprimé, je m'en excuse. Il y a là deux choses bien distinctes, et c'est ainsi que je les vois.

De toute façon, mes opinions sont les mêmes dans les deux cas. Au point de vue du Comité permanent, je suis peut-être le seul à le professer. Il va sans dire que cette question se rattache pertinemment à la procédure de révision constitutionnelle. Nous n'avons pas tellement eu l'occasion d'en discuter hier et je comptais soulever la question plus tard lorsque nous en serons rendus à cet article de l'Ordre du jour. Certaines observations qu'on a formulées m'y ont amené.

Si vous voulez établir une distinction entre les deux, j'y consens volontiers. mais...

LE TRÈS HONORABLE P.E. TRUDEAU: Cette façon de procéder serait peut-être utile. Nous pourrions revenir à ce problème demain après-midi avant la fin de la Conférence, lorsque le débat portera sur l'article qui intéresse le mécanisme de révision constitutionnelle. Pour le moment nous pouvons peut-être accepter, en principe, la proposition de l'honorable monsieur Stenart: référer au Comité permanent des fonctionnaires la question que nous avons débattue ce matin, soit les pouvoirs d'imposer et de dépenser, sous réserve de toutes modifications que nous pourrions y apporter au cours de nos délibérations de demain après-midi.

L'HONORABLE W. WEIR: À mon avis, monsieur le premier ministre, il devrait être en mesure de déléguer son autorité s'il le désire. Mais le Comité officiel mis sur pied par notre Conférence devrait être ainsi constitué. Je puis vous dire que la réputation qu'on nous a faite alors que je m'appretais avec certains de mes collègues à venir à cette Conférence résulte de certaines séances d'information: des fonctionnaires ont interprété à leur façon les interventions que nous allions faire et ont donné à la population canadienne l'impression que nous étions résolus à diviser notre pays. Rien ne saurait être plus loin de la vérité.

J'estime que nous sommes venus pleinement conscients de notre rôle et résolus à éliminer les aspérités plutôt qu'à les accentuer. J'estime que c'est au niveau politique que doit s'articuler le levier de commande de tous les comités chargés d'étudier une question aussi sérieuse que notre constitution.

LE TRÈS HONORABLE P. E. TRUDEAU: Je puis vous assurer que le gouvernement fédéral contrôle le levier de commande pour tous les aspects de la constitution. Le Cabinet examine toutes les propositions, toutes les thèses avancées par les fonctionnaires, sans exception, et il y consacre parfois beaucoup de temps. Si le Comité de fonctionnaires ne se fait que le porte-parole des gouvernements qui l'en ont autorisé ce problème ne se posera peut-être pas.

L'HONORABLE W. WEIR: Monsieur le premier ministre vous dites que les fonctionnaires ne prennent pas de décisions. Dans les recherches qu'ils font afin de limiter les secteurs qui feront l'objet d'études, ils arrêtent effectivement des décisions qui nous sont présentées par la suite. Je suis d'avis que ces décisions doivent être prises au niveau politique.

(FRANCAIS)

L'HONORABLE J. J. BERRAND: Mais si vous me permettez, monsieur le président, est-ce que le problème que soulève monsieur Weir, ne se pose pas plutôt à l'item 2 c), la procédure à suivre pour la révision de la constitution. Je pense que c'est surtout là.

L'HONORABLE W.A.C. BENNETT: Non.

L'HONORABLE J.R. SMALLWOOD: Fort bien. Vous ne retracez rien?

L'HONORABLE W.A.C. BENNETT: Non. Êtes-vous d'accord, maintenant?

Nous étudions tous les autres paragraphes et nous en laissons deux en suspens.

L'HONORABLE J.R. SMALLWOOD: Mais nous ne nous opposons pas à ces dispositions.

L'HONORABLE W.A.C. BENNETT: Non, pas nécessairement.

LE TRÈS HONORABLE P.E. TRUDEAU: On ne semble pas pouvoir se mettre d'accord là-dessus, mais nous devons...

L'HONORABLE W.A.C. BENNETT: Monsieur le premier ministre, je veux que la population du Canada sache que la Colombie Britannique désire qu'on réalise au moins certains progrès à cette Conférence.

LE TRÈS HONORABLE P.E. TRUDEAU: Vous en êtes témoin, j'ai fait de mon mieux pour obtenir l'assentiment général.

L'HONORABLE W.A.C. BENNETT: Nous étions alors sur la même longueur d'ondes, monsieur le président.

LE TRÈS HONORABLE P.E. TRUDEAU: Je crois que les progrès que nous pourrions réaliser iront dans le sens de la proposition formulée par messieurs Stenart, Bertrand et Weir. Il y a toutefois une légère divergence de vue sur la question de savoir si le Comité permanent de fonctionnaires devrait accomplir le travail courant ou se contenter de préparer les futures réunions ministérielles.

La difficulté que vous signalez, monsieur le premier ministre Weir, c'est que votre procureur-général aura déjà bien des questions à examiner par suite du travail qu'a accompli jusqu'ici le Comité permanent des fonctionnaires.

L'HONORABLE W.A.C. BENNETT: Nous devrions reconnaître, en principe, que vous ne devriez pas vous retirer des programmes à frais partagés et nous les laisser sur les bras après que nous y avons adhéré, sur vos instances, de bon coeur et en toute bonne foi.

Je répète que ce procédé me semble très injuste. Ce n'est pas de cette façon qu'on se mérite la confiance des autres. Mais je vous ferai remarquer, en toute déférence, que cette responsabilité n'imcombe pas à une équipe spécialisée, mais bien au premier ministre.

Ceci dit, j'espère que nos délibérations ont progressé ce matin. Au sujet de l'article 91, soit la répartition des pouvoirs, je propose que nous réservions pour le moment le paragraphe 3.

Au cours des délibérations de ce matin, nous avons exprimé notre accord sur les paragraphes 1 à 28 inclusivement, sauf le paragraphe 3. Il nous reste donc à discuter du paragraphe 3, ou d'une disposition de rechange, et du paragraphe 29.

Nous pourrions donc dire à la population canadienne que nous ne nous contentons pas de nous gargariser de mots, mais que nous avons vraiment mis la constitution sur le métier.

LE TRÈS HONORABLE P.E. TRUDEAU: Entendu?

PLUSIEURS VOIX: D'accord.

L'HONORABLE J.R. SMALLWOOD: Non, mais pas du tout.

LE TRÈS HONORABLE P.E. TRUDEAU: Je constate qu'il y a dissidence.

L'HONORABLE J.R. SMALLWOOD: Avant de débattre ces dispositions, voyons d'abord ce que nous allons mettre à leur place.

L'HONORABLE W.A.C. BENNETT: Nous n'enlevons rien. Nous ne faisons que mettre de côté.

L'HONORABLE J.R. SMALLWOOD: Nous n'en parlons pas pour le moment.

point de vue ministériel. Leurs fondés de pouvoir sont les nôtres. Ils travaillent donc avec nous. C'est la seule façon d'arriver à des résultats pratiques; autrement, vous vous perdez dans un imbroglio de détails et vous n'en sortez jamais.

J'aimerais formuler une observation au sujet des programmes à frais partagés. Que le gouvernement fédéral en propose, je ne m'y oppose pas, au contraire, pourvu qu'il soit en mesure, aux termes de la constitution, de payer sa part. Mais une fois les programmes mis en oeuvre, je m'oppose fermement à ce qu'on s'en désiste sans avoir obtenu au préalable l'assentiment de tous les intéressés.

Et j'espère, monsieur le premier ministre, que vous allez faire cesser immédiatement certaines des déclarations que nous commençons à entendre sur les systèmes éventuels. Cela n'est pas juste et ce n'est pas ainsi, monsieur le premier ministre, que nous nous pourrions édifier un Canada fort.

J'aimerais que vous nous fournissiez cette assurance.

LE TRÈS HONORABLE P.E. TRUDEAU: Je puis vous assurer qu'à l'article 8) de l'Ordre du jour nous prendrons note des propositions sur la mise en place éventuelle d'un mécanisme de consultation fédéral-provincial. Si nous pouvons établir un mécanisme qui nous permettra de faire précisément ce que vous demandez...

L'HONORABLE W.A.C. BENNETT: J'aimerais que vous le fassiez immédiatement: faites savoir à vos ministres que le gouvernement fédéral ne doit pas se désister des ententes qu'il a conclues avec les provinces, à moins qu'elles y consentent. C'est comme si un homme d'affaires résiliait brusquement le contrat qui le lie à son associé, retirant sa mise de fonds et laissant à ce dernier le soin de faire face à toutes les dépenses. Ce procédé est on ne peut plus injuste.

LE TRÈS HONORABLE P.E. TRUDEAU: C'est précisément la raison pour laquelle nous avons des équipes spécialisées qui sont en train de négocier avec les autorités provinciales pour déterminer de quels programmes nous pouvons nous retirer. Nous ne le faisons pas pour notre bon plaisir.

de dépenser, quitte à s'attaquer ensuite aux questions que vous suggérez.

L'HONORABLE W. WEIR: Monsieur le premier ministre, je fais peut-être cavalier seul et si c'est le cas je m'en résigne sans peine. J'estime -- et j'aimerais que quelqu'un se rallie à mon opinion -- que les comités de notre Conférence devraient être de caractère ministériel, pour diriger le travail du Comité constitutionnel permanent.

J'estime que ces questions ont des répercussions sur la vie politique de chaque citoyen canadien. Et les Canadiens devraient savoir à qui ils doivent imputer les choses qui sont dites et les choses qui sont faites.

Ceux que l'on charge de cette mission devraient représenter les cabinets de nos gouvernements respectifs.

Dans le cadre du Comité permanent, je n'aime pas entendre des fonctionnaires, des bureaucrates, pour reprendre l'expression de mon ami Dave Stewart, déclarer à la radio de la Colombie Britannique que trois provinces se traînent les pieds.

J'ignore s'ils parlaient ou non du Manitoba. Que le premier ministre m'accuse de lambiner, fort bien. Que les chefs d'autres gouvernements accusent certains gouvernements de temporiser, passe encore. Mais il n'appartient pas à des administrateurs, à mon avis, de faire des déclarations de ce genre. J'estime que ce travail de recherche et de mise au point doit être dirigé par un groupe de gens comptables, par l'entremise de leur Assemblée législative, à leur population respective.

Que vos comités soient chargés de proposer des remèdes à long terme ou à court terme et quelle que soit la nature de ces comités, je suis fermement convaincu qu'un ministre devrait être responsable du travail de votre Comité permanent des fonctionnaires. J'y désignerais volontiers le procureur-général du Manitoba, qui est chargé des questions constitutionnelles. Il se ferait le porte-parole du Manitoba et bénéficierait, au besoin, des conseils de ses collègues pour diriger le travail du Comité.

L'HONORABLE W.A.C. BENNETT: Monsieur le premier ministre, nous avons nos sous-ministres et nos loyaux conseillers. Ce sont eux qui exposent en notre nom le

Bertrand et je pense qu'il faudrait distinguer le niveau des comités.

Nous disposons de trois niveaux de comités. A l'échelon inférieur, il existe déjà des équipes spécialisées mises sur pied par monsieur Munro, ministre fédéral de la Santé, avec la collaboration des autorités provinciales. Ces équipes examinent divers programmes de dépenses, cherchant à déterminer comment on pourrait les modifier pour épargner de l'argent aux contribuables, aux gouvernements provinciaux et au gouvernement fédéral. Ce travail se continue à l'heure actuelle et me semble fort prometteur.

Il y a deux autres niveaux. Les questions immédiates, soit celles qui ont trait à la fiscalité, sont généralement confiées au Comité sur le régime fiscal.

Le ministre des Finances suggérerait en décembre que ce Comité se remette à l'oeuvre. Si nous le voulons, nous pouvons le remettre sur pied immédiatement.

J'ai l'impression que la meilleure façon de donner suite à la proposition de messieurs Steuart et Bertrand, c'est de réserver le problème qui nous occupe en ce moment, soit les pouvoirs d'imposer et de dépenser, au Comité permanent des fonctionnaires, soit le Comité de la Conférence constitutionnelle.

Il pourrait confier, s'il le désire, certains aspects techniques du travail au Comité sur le régime fiscal. Mais il devrait s'attaquer au problème auquel nous sommes en butte ce matin: le problème constitutionnel, les règles qui doivent régir les pouvoirs de dépenser et d'imposer. Donc, si vous y consentez, le Comité des fonctionnaires peut rédiger une résolution à cette fin, qui nous sera soumise plus tard au cours de la journée ou pendant les séances de demain.

Cela reviendrait donc à renvoyer l'article "Répartition des compétences" au Comité permanent des fonctionnaires sur la constitution, et à le charger d'examiner les aspects qui intéressent les droits d'imposer et de dépenser.

Le Comité serait habilité aussi à entreprendre l'étude des autres aspects du problème que vous avez soulevés au début de la discussion, monsieur le premier ministre Bennett. Mais il devait commencer par le pouvoir

Au chapitre des arrangements fiscaux et des modifications constitutionnelles, j'estime qu'il nous faut un nouveau départ. Et nous sommes prêts à mettre l'épaulé à la roue.

L'HONORABLE W. WEIR: Je tiens à signaler que monsieur Stéuart parlait pour lui-même lorsqu'il a fait mention de la majoration du coût des programmes.

L'HONORABLE D.J. STEUART: Dans mon cas, c'était plutôt une déflation de 7 pour cent.

LE TRÈS HONORABLE P.E. TRUDEAU: Nous devons tenir compte de ces propositions, mais... (FRANCAIS)

L'HONORABLE J.J. BERTRAND:

Je voulais tout simplement dire ceci. L'idée qui est suggérée par le représentant de Saskatchewan et qui reprendrait celle qui est énoncée par le premier ministre du Manitoba, va à l'effet qu'il y ait un comité.

Est-ce que l'on veut, à ce comité-là discuter des problèmes immédiats ou de problèmes à long terme.

Parce que, en fait, il ne faudrait pas multiplier les comités. Nous avons déjà la Conférence des fonctionnaires, Conférence constitutionnelle ou tous ces problèmes-là ont commencé par être étudiés et devront... et nous devons en continuer l'étude.

S'il s'agit des solutions à long terme, pour le problème fiscal, je crois que le comité est tout trouvé, nous pouvons former des sous-comités au sein de la Conférence constitutionnelle, qui a été établie l'an dernier.

S'il s'agit, par la proposition de monsieur Weir, premier ministre du Manitoba, d'un comité formé immédiatement des ministres des finances, pour examiner d'une manière plus minutieuse, les problèmes immédiats. Très bien.

Mais s'il s'agit des problèmes à long terme, je pense qu'il serait préférable de laisser ça au comité qui a été formé, comité permanent de la constitution. Qu'est-ce qu'on veut exactement.

LE TRÈS HONORABLE P.E. TRUDEAU: Quant à moi, je suis tout à fait d'accord avec le premier ministre monsieur

A mon avis, nous devrions instituer un comité et le charger de s'attaquer sans tarder à la question des programmes à frais partagés. Entre temps, vous devriez nous fournir l'assurance, comme le demande le premier ministre Weir, et sans pour autant vous imposer à vous-mêmes une camisolé de force, de ne pas apporter de changements qui nous touchent sans nous avoir bien consultés au préalable. Autrement dit, vous ne répétiez pas l'incident de l'im-pôt sur les biens transmis par décès. Si vous désirez modifier certains des programmes à frais partagés, vous ne nous couperez pas l'herbe sous le pied, comme vous l'avez fait dans le cas des subventions à la santé et de certaines subventions dans le cadre ARDA. Mais vous nous consulterez et vous nous permettrez de nous adapter aux changements. Vous avertirez vos fonctionnaires que vous avez sérieusement décidé d'opérer ces changements et nous aviserez les nôtres de la même façon. Puis nous pourrions nous réunir et autoriser les changements un à un.

Autrement, si nous attendons d'aboutir à un accord, nous n'avons pas fini d'attendre. Nous avons peine à nous entendre sur l'heure qu'il est; nous ne pourrions sûrement pas le faire sur des choses importantes. Qu'on leur fasse savoir tout d'abord de soumettre à la consultation tout changement important qu'on compte apporter. C'est là la première chose qu'il faut changer. Autrement, nous continuerons à parler indéfiniment et à revenir vous voir, chapeau à la main.

La Saskatchewan ne pense pas que les provinces régleront leurs problèmes financiers en courant pré-senter la sébille à Ottawa chaque fois qu'elles ont besoin d'argent. Nous avons nos propres responsabilités. J'ai l'impression que nous n'avons pas joué franc jeu avec vous et que vous n'avez pas joué franc jeu avec nous.

Nous sommes venus à une réunion en septembre. Nous étions censés réduire nos programmes de dépenses. On constatait des augmentations de 17 et de 20 pour cent. Il y avait eu une majoration. Et pourquoi? Parce que nous essayons d'impressionner monsieur Benson et de lui soutirer de l'argent. Il ne s'est pas laissé impressionner et je ne peux pas l'en blâmer.

Ottawa que dans les capitales provinciales, qui luttent en faveur du maintien du statu quo.

J'estime que nous devrions réunir en conférence les fonctionnaires visés et leur demander d'examiner objectivement, minutieusement, ces programmes à frais partagés et les conditions d'admissibilité inhérentes. J'ai l'impression qu'il devrait y avoir plus de souplesse.

Je ne pense pas qu'il soit raisonnable d'imposer, pour l'adhésion à tel ou tel programme, des conditions minimales absolues. Je reconnais qu'il doit y avoir des normes nationales, mais ces normes me semblent trop souvent trop élevées. J'ai l'impression qu'on le fait à dessein pour employer plus de bureaucrates dans un plus grand nombre de capitales.

Nous devrions donc leur faire savoir que nous comptons modifier nos pouvoirs d'imposer. Cela serait tout à fait raisonnable: il n'y a qu'un contribuable et nous le pressurons jusqu'à l'extrême limite. Et si nous sommes un peu perdus nous-mêmes, vous pouvez vous imaginer que la population canadienne l'est bien davantage. Elle se demande qui la trappe d'impôts et à quoi tout cela sert.

Nous pouvons donc convenir de charger un comité d'examiner objectivement cette question, et nous nous entendrons ensuite sur ses recommandations. Fuis, nous pourrions nous mettre d'accord pour vous céder tel ou tel pouvoir en particulier, l'éducation supérieure mettons, car, en raison de la mobilité de nos gens, cette question devrait sans doute être d'intérêt national. Le Québec ne sera certes pas d'accord, mais faut-il qu'il le soit? Tout le champ de l'éducation pourrait rester entre les mains des autorités provinciales dans le Québec, tandis que nous céderions l'éducation supérieure au gouvernement national. Peut-être aussi ne le ferions-nous pas. Mais lorsque quatre ou cinq provinces, représentant la moitié de la population du pays, réussissent à se mettre d'accord, apportons le changement qu'elles préconisent.

Nous parlons de révision constitutionnelle. J'ai l'impression que nous modifierions la constitution, et que nous saurons fort bien comment nous y prendre, le jour où nous aurons des formules de rechange valables, mais pas auparavant.

L'HONORABLE D.G. STEUART: Vous êtes dans le dernier chapitre. Hâtez-vous d'y arriver.

Monsieur le premier ministre, j'aimerais revenir à la première proposition qu'a formulée le premier ministre Weir, soit que nous devrions aujourd'hui nous entendre, si la chose est possible -- et le premier ministre Smith y a fait allusion lui aussi -- pour instituer un comité qui se mettrait au travail sans tarder.

Les représentants des provinces de l'Ouest ne sont pas venus à la Conférence pour minimiser le besoin de changer la constitution, de répandre le bilinguisme, de reconnaître les droits linguistiques à travers le pays, ou de prendre toutes mesures qui s'imposent pour unir le Canada. Nous avons soutenu plus tôt que le principal problème auquel nous sommes aux prises au Canada, c'est un problème d'ordre financier, et nous avons demandé que les questions financières, soient les pouvoirs de dépenser et d'imposer du gouvernement, éléments essentiels de notre constitution, soient nettement prioritaires, ou, du moins tout autant prioritaires que la question du bilinguisme.

Nous ne pouvons pas arrêter de décisions sur le champ. Mais nous pouvons au moins décider d'instituer un comité et d'examiner les programmes à frais partagés. J'estime que la plupart des problèmes qui opposent les provinces au gouvernement fédéral proviennent des programmes à frais partagés. Vous bouleversez l'ordre de nos priorités et vous empiétez sur nos responsabilités.

Vous parlez de modifier les pouvoirs, vous-même, monsieur Benson, et plusieurs autres. Mais cela me laisse parfois songeur. Je me demande si tous les autres éléments du gouvernement souhaitent vraiment que les pouvoirs soient modifiés. Il y a des milliers de fonctionnaires, relevant tant du gouvernement fédéral que de notre province, employés à vérifier les conditions d'admissibilité aux programmes à frais partagés et à vérifier le travail des vérificateurs, et qui ont des intérêts acquis de longue date. Si nous leur confions la baguette magique qui leur permettrait de modifier ces programmes à frais partagés et de repenser nos pouvoirs de dépenser et d'imposer -- ce qui serait la formule idéale --, je me demande s'ils ne s'empresseraient pas de la briser ou de la dissimuler. Il y a des intérêts bien place, tant à

L'Ontario signifiait son adhésion dès la première année. Je sais que le Québec ne s'est associé à certains programmes que beaucoup plus tard et, dans certains cas, les autres provinces ne pouvaient se permettre de verser leur part des frais.

Pendant des années, les subventions fédérales aux universités étaient versées en Ontario mais non au Québec.

L'HONORABLE J.P. ROBERTS: Ces subventions n'ont-elles pas été accumulées?

LE TRÈS HONORABLE P.E. TRUDEAU: Par la suite, oui. Et que dire de la route transcanadienne? Et du programme des écoles techniques et professionnelles, qui a été mis en oeuvre dans votre province avant de l'être dans plusieurs autres? L'équivalence fiscale s'impose-t-elle dans tous les cas?

L'HONORABLE J.P. ROBERTS: Non.

LE TRÈS HONORABLE P.E. TRUDEAU: On élabore un programme destiné à tous les Canadiens. Il arrive qu'une ou plusieurs provinces n'y participent pas ou retardent leur adhésion. Si l'équivalence fiscale doit toujours jouer, alors nous serions disposés...

L'HONORABLE J.P. ROBERTS: Je ne puis vous répondre directement. Vous avez déjà déclaré que vous alliez vous retirer des programmes à frais partagés dans cinq ans. Pourquoi ne pas le faire tout de suite plutôt que dans cinq ans?

LE TRÈS HONORABLE P.E. TRUDEAU: Fort bien, pourvu que les provinces y consentent. Je le répète, le programme d'assurance santé ne sera mis en oeuvre dans aucune province si vous pouvez vous entendre là-dessus.

L'HONORABLE D.G. STEUART: L'assurance santé a fait l'objet de consultations. J'ai assisté à de nombreuses réunions, souvent présidées par cette représentante pittoresque de la Couronne qu'était Judy Lamarch. On ne prétend sûrement pas que nous n'avons pas tout...

L'HONORABLE J.P. ROBERTS: Je n'ai pas encore terminé son brouillon, et j'ignore ce qu'elle écrit à mon sujet.

L'HONORABLE G.I. SMITH: Il y a bien des façons de mener des consultations. Je pense que le mot donne lieu à des interprétations diverses.

Permettez-moi de vous donner un autre exemple qui correspond à une expérience personnelle. Il s'agit d'une réunion ministérielle, dans le cadre du Comité de travail responsable de la présente formule de péréquation. On a prétendu qu'il y avait eu consultation, alors que nous n'avons pas pu d'avoir un débat utile.

Auparavant, divers comités avaient tenu une multitude de réunions, et un comité en particulier avait fait une étude approfondie de la question. Mais au niveau ministériel, nous n'avons pas même eu l'occasion de discuter des autres formules possibles. Lorsque j'ai essayé de le faire, le Président, membre du Comité sur le régime fiscal, a déclaré: "Nous allons renvoyer cette question au Comité."

Sans doute le représentant du gouvernement fédéral estimait-il qu'il y avait-il eu consultation. A mon avis, il n'y en avait pas eu au niveau ministériel, et les décisions qui étaient déjà arrêtées ne risquaient pas de subir la moindre modification.

L'HONORABLE D.G. STEUART: C'est bien le problème, en effet.

La question soulevée par monsieur Robarts au sujet de l'équivalence fiscale m'intéresse fort. Le gouvernement fédéral y songe-t-il?

LE TRÈS HONORABLE P.E. TRUDEAU: Permettez-moi de répondre à monsieur Robarts en reprenant à mon compte la réponse que celui-ci a faite à monsieur Smallwood: "Ce n'est pas aussi simple que cela."

Mettons que nous accordions l'équivalence fiscale pour le programme d'assurance santé. Au nom de l'égalité, ne devrions-nous pas l'accorder aussi à chaque province, qui à un moment ou à un autre dans le passé, n'a pas adhéré à des programmes à frais partagés dont bon nombre étaient conçus en fonction des besoins de l'Ontario.

LE TRÈS HONORABLE P.E. TRUDEAU: Oh, oui.

L'HONORABLE G.I. SMITH: Et j'ai l'impression que tous les premiers ministres provinciaux seraient de cet avis.

L'HONORABLE R.A. DONAHOE: On avait décidé de quatre points fondamentaux avant toute consultation. Lorsque les consultations ont été amorcées, on nous a mis au courant de la teneur du programme d'assurance santé et on nous a avisés qu'il devait être universel, général, régi par l'Etat et transférable. Le gouvernement fédéral refusait de participer aux frais de tout programme d'assurance santé non conforme à ces quatre conditions.

LE TRÈS HONORABLE P.E. TRUDEAU: Certaines provinces ont accepté le programme, d'autres l'ont refusé.

L'HONORABLE R.A. DONAHOE: Nous avons accepté la proposition et nous instituons le programme le premier avril, monsieur le premier ministre. Mais, pour obtenir la tranche des frais que nous devons assumer, il nous faut aller presque à la limite de notre capacité fiscale.

LE TRÈS HONORABLE P.E. TRUDEAU: Voyons ce qui en est à ce sujet. Il y a eu une visite à toutes les provinces: la Conférence fédérale-provinciale de juillet 1965, alors que trois premiers ministres provinciaux se sont opposés à l'assurance santé, qui était l'un des principaux articles à l'Ordre du jour, tandis que les autres ont soit manifesté leur appui soit refusé de s'engager; une série de cinq réunions des ministres de la Santé; une conférence technique au niveau des fonctionnaires; une réunion avec chacun des ministres de la Santé; et d'autres réunions d'ordre technique.

Le plan d'assurance médicale a donc fait l'objet de beaucoup de consultations. Certains s'opposaient au principe, mais d'autres y souscrivaient.

Voilà encore une fois la difficulté qui se pose. Comment devons-nous exercer notre pouvoir de dépenser quand il n'y a pas unanimité? Nous aimerions avoir des règles là-dessus. Jusqu'ici, on a formulé des propositions, mais elles n'ont certes pas rallié tous les points de vue.

On bien encore, qu'on institue un autre comité pour-
vu d'un statut analogue et qu'on lui confie la tâche que
j'ai décrite: déterminer l'ensemble de la capacité im-
possible, voir quels paliers de gouvernement peuvent faire le
meilleur usage possible d'une partie de cette capacité,
décider s'il y a lieu pour cela de modifier la constitution
ou d'améliorer simplement le régime des paiements de
transfert. Ou encore, en venir à une entente sans pour
autant toucher à la constitution.

Je tiens à répéter l'opinion que j'ai exprimée au
début de mon intervention: je ne pense pas que nous soyons
suffisamment versés en la matière pour régler le problème,
même si nous pensons que nous sommes à même d'arrêter une
décision dès aujourd'hui ou demain. À mon avis, nous ne
pouvons raisonnablement faire qu'une chose: confier la
question à un grand comité composé de représentants de
tous les gouvernements et disposant d'un personnel assez
nombreux pour faire le travail sans tarder.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur
le premier ministre Smith.

Avant d'accorder la parole au chef de la délégation
de la Saskatchewan, j'aimerais dissiper un malentendu
quant aux consultations dont l'assurance santé a fait
l'objet. Sauf erreur, vous avez dit qu'il n'y avait pas
eu d'accord ni de consultation sur l'assurance santé,
et que le contraire était tout à fait faux. Je vois for-
t bien qu'il n'y a pas eu d'entente, mais j'ai fait mention
des consultations, et je sais que l'assurance santé a
fait l'objet de consultations suivies.

Je n'y étais pas, mais j'ai le dossier de l'affaire
et j'aimerais en retracer les grandes lignes car s'il ne
correspond pas à la réalité nous pourrions peut-être le
modifier.

L'HONORABLE G.I. SMITH: Voici ce que je crois
avoir dit: avant que le programme ne soit précisé sous
forme de mesure législative, il n'y a pas eu de consul-
tations utiles avec la province de la Nouvelle-Écosse,
c'est-à-dire des consultations destinées à accommoder
les vues de la Nouvelle-Écosse.

Les possibilités qui s'offrent à nous me semblent très claires: nous pouvons changer soit les sources de revenu dont disposent les différents paliers de gouvernement, soit les responsabilités qu'assument les gouvernements, soit les deux éléments à la fois.

Ce n'est pas une tâche facile. Sauf le respect que je dois à tous les délégués ici présents, je doute fort que nous soyons assez au fait de la capacité contributive totale du Canada, même en mettant en commun nos connaissances, pour prendre sur le champ une décision éclairée.

Pour faire oeuvre utile et en venir éventuellement à une solution, j'estime que nous devrions analyser tous les aspects de la capacité fiscale du pays, en fonction de tous les paliers de gouvernement. Nous ne sommes pas suffisamment renseignés là-dessus. Si le Comité sur régime fiscal avait pu continuer son travail, nous aurions peut-être ces renseignements sous la main en ce moment.

Il nous faudrait savoir quelle est toute la capacité impossible du pays. Il faudrait déterminer ensuite le meilleur usage possible de cette capacité en vue de favoriser le bien-être des Canadiens. Faudrait-il épuiser la capacité totale? Ou n'en imposer qu'une partie? Et combien? On devrait trouver des réponses tout de suite à ces questions.

Une fois ces décisions arrêtées, il faudrait voir quel palier de gouvernement, fédéral, provincial ou municipal, peut faire le meilleur usage possible de ces rentrées fiscales. Dans quel domaine peut-on employer l'argent, pardon, quel palier de gouvernement peut faire le meilleur usage possible des crédits affectés à la voirie? Confrions lui donc cette responsabilité avec les ressources fiscales pertinentes.

À mon sens, une bonne façon de s'attaquer au problème serait de remettre sur pied le Comité sur le régime fiscal, -- qui n'est pas disparu officiellement mais qui n'a pas donné grand signe de vie depuis à peu près deux ans. En plus d'avoir accumulé un impressionnant bagage de connaissances en la matière, le Comité comptait parmi ses membres les ministres des Finances de tous les gouvernements, soit les personnes les plus aptes à discuter des questions d'ordre financier.

Ma deuxième observation porte sur l'assurance santé. On a laissé entendre qu'avant l'élaboration du plan et son insertion dans les statuts, il y a eu des consultations suivies avec les provinces en vue de mettre au point un programme raisonnablement satisfaisant aux yeux de tous.

Il n'y a pas la moindre parcelle de vérité là dedans. Je répète que cela me semble on ne peut plus faux.

A mes côtés se trouve l'honorable R.A. Donahoe, ministre de la Santé en Nouvelle-Ecosse depuis plus de douze ans, qui a participé à toutes les discussions-ou du moins, à toutes celles à lesquelles on a permis à la Nouvelle-Ecosse de participer. Il m'a assuré ce matin qu'à sa connaissance aucune consultation suivie n'a eu lieu avant que le plan ne soit élaboré et incorporé à un projet de loi.

Si tel avait été le cas, nous aurions peut-être un tout autre plan d'assurance santé. Et prétendre qu'il y a eu des consultations suivies, c'est refuser de reconnaître le problème et refuser de voir pourquoi certaines provinces ont des vues aussi fermes à ce sujet.

J'aimerais commenter l'opinion qu'on a émise au nom des autorités fédérales: si les provinces ont besoin de plus d'argent, qu'elles prélèvent leurs propres impôts. Comme le premier ministre Smallwood l'a si bien expliqué ce matin, qu'est-ce que cela donnerait à une province qui n'a plus de jeu dans le domaine fiscal? Et plusieurs provinces se trouvent dans cette situation à l'heure actuelle.

A mon avis, cette thèse, de la part du gouvernement fédéral ou de n'importe quelle forme d'autorité fédérale est tout à fait intenable.

J'en viens au problème qui nous préoccupe en ce moment: comment dissiper les différences et les difficultés auxquelles nous butons par suite de l'exercice actuel du pouvoir d'imposer et du pouvoir de dépenser, ainsi que de la répartition de ces pouvoirs entre les deux paliers de gouvernement.

Pourquoi ne pouvons-nous pas examiner ce programme d'assurance santé, puisque toute la population du Canada sait que cette initiative suscite de profondes divergences de vue, et puisque le Québec et l'Ontario, qui représentent la moitié -- j'ignore quelle proportion de la population nous représentons -- n'en veulent pas. Pourquoi ne pouvons-nous pas y voir? S'agit-il d'une chose tellement sacrée qu'elle est intouchable et inchangeable, alors que la moitié de la population du pays n'en veut pas? J'espérerais que nous pourrions en discuter au cours de réunions bilatérales. L'Ontario n'a pas voté pour ce programme, monsieur Benson.

L'HONORABLE E.J. BENSON: Tous les représentants du gouvernement fédéral se sont prononcés en faveur du plan.

L'HONORABLE J.P. ROBERTS: Ce ne sont pas les représentants du gouvernement fédéral qui sont chargés d'administrer notre programme. Ils ont leurs responsabilités, et s'en acquittent comme bon leur semble. J'ai les miennes, moi aussi, et je fais de même. Je remplis mes devoirs envers la population de ma province en présentant aujourd'hui ce plaidoyer. Je ne pense pas que la population de l'Ontario souhaite vraiment se programme, et je n'arrive pas à comprendre d'où vient une pareille rigidité. Ne pourrions-nous pas changer d'idée? Sommes-nous incapables...

L'HONORABLE E.J. BENSON: Je crois que nous devrions revenir...

L'HONORABLE J.P. ROBERTS: Je n'ai pas tout à fait fini, mais m'arrangerai pour placer le reste de mes observations un peu plus tard.

L'HONORABLE G.I. SMITH: J'ai deux ou trois commentaires à faire. Il ne s'agit pas de la question des disparités régionales. J'espère que nous en serons saisis et que nous aurons l'occasion d'y revenir. Je tiens tout d'abord à bien préciser que la province de l'Ontario a toujours appuyé la péréquation, elle a même préconisé cette formule. Il ne faut pas croire que l'Ontario ait manifesté la moindre hésitation dans ce domaine. A ma connaissance, le premier ministre actuel de l'Ontario et son prédécesseur se sont faits les défenseurs du principe de péréquation: toute assertion au contraire devrait être infirmée immédiatement.

LE TRÈS HONORABLE P.E. TRUDEAU: Je verrai certainement d'un bon oeil des discussions à ce sujet entre les chefs de gouvernement.

L'HONORABLE J.P. ROBERTS: Fort bien. C'est ainsi que nous pourrions progresser. Nous ne sommes pas venus ici pour chercher noise à qui que ce soit. J'ai dit hier qu'il n'y avait pas, à mon avis, de crise. Il n'y a qu'un débat, mais nous avons bien des choses à discuter, et bien de nouvelles attitudes à envisager. Monsieur le premier ministre, j'espère que nous y réussirons. Au fond, j'ai l'impression que vous êtes à la recherche de certaines des choses que nous proposons. Ne nous sentons pas liés par le passé. À vos yeux, tout ce qui a pu se produire avant le 25 juin dernier n'existe pas!

Nous pouvons commencer à voir les choses sous un aspect différent, nous pouvons éprouver de nouvelles idées. Faisons en sorte que notre pays puisse réaliser toutes ces possibilités sans nous préoccuper des attitudes qui ont été adoptées dans le passé. Soyez assurés que l'Ontario ne vous causera pas d'ennuis. Nous reconnaitrons nos torts si nous en avons. Nous le ferons volontiers, pour peu que nous puissions trouver moyen de régler certains de nos problèmes. N'envoyons pas les gens se promener chacun de leur côté. Le Canada est un pays uni. John Roberts, contribuable canadien, n'est qu'un pauvre hère qui se demande avec effroi combien il va devoir payer, à qui et pourquoi.

Monsieur le premier ministre, permettez-moi de vous raconter une petite histoire. Il n'y a pas très longtemps, la sonnerie du téléphone m'arrache au sommeil à deux heures du matin et j'entends une voix qui me dit: "John, j'aimerais discuter avec vous des arrangements financiers entre le gouvernement fédéral et les provinces".

Je fais remarquer à mon interlocuteur qu'il est deux heures du matin et je l'invite à venir me voir au bureau à 9 heures et demie.

La voix rétorque: "à 9 heures et demie demain matin je m'en balancerai parfaitement!"

Mais nous, nous ne nous en balançons pas, ni aujourd'hui ni demain. Nous voulons discuter de ces questions; nous voulons trouver de nouvelles méthodes.

tout à fait différents de ceux qui sont prévus à l'A.A.N.B.

C'est ainsi que nous rattachons ce dont nous avons parlé à la révision constitutionnelle: vous allez faire autant modifier le texte des lois ou celui de la constitution. Vous y parviendrez par le seul exercice de pressions fiscales, expression que j'emploie à dessin. Les provinces ne pourront plus continuer à appliquer les programmes qu'elles ont présentement si vous leur dites: "nous allons prélever nos propres ressources, faites de même et nos positions ne se rencontreront jamais." A mon avis, c'est manquer du sens le plus élémentaire des responsabilités dans le domaine fiscal. C'est un beau gâchis aux yeux de John Robarts le contribuable, sans parler de John Robarts chef d'un gouvernement. On va m'arracher l'impôt sur l'impôt, de mille et une façons, et l'usage qu'on fera de cet argent ne sera aucunement coordonné, pas plus que le fardeau dont je serai grevé.

Nous ne pensons pas que le pays puisse être gouverné de cette façon. Nous devons trouver moyen de répartir les recettes fiscales. Peu importe que nous modifions la constitution ou que nous adoptions une autre forme d'accord, cette question est tout à fait fondamentale. Elle va déterminer le sort qui sera celui de notre pays dans 10 ans. Voilà notre position.

Les observations que vous avez formulées au sujet de la Banque du Canada m'ont vivement intéressé, monsieur Strom. Vous aimeriez que la Banque du Canada étende son champ d'action. Pourquoi en effet est-elle centralisée à Ottawa et tenue de ne conseiller que le gouvernement fédéral?

L'HONORABLE W.A.C. BENNETT: J'ai posé la question au Gouverneur de la Banque du Canada et il m'a répondu qu'il n'est pas conforme à la ligne de conduite du gouvernement fédéral...

L'HONORABLE J.P. ROBARTS: Il y aurait peut-être lieu de modifier cette ligne de conduite. Nous sommes en rapport avec M. Rasminsky. Il est au courant de nos tractations sur les marchés financiers mondiaux.

L'HONORABLE W.A.C. BENNETT: Voyez-vous la proposition d'un bon oeil, monsieur le premier ministre?

voir comment le pouvoir de dépenser du gouvernement fédéral est exercé et transformé en moyen d'influencer les provinces.

Que le gouvernement fédéral prélève des fonds pour accorder des paiements de péréquation, nous ne trouvons absolument rien à redire à cela. Mais nous sommes d'avis qu'il devrait remettre tous les versements de péréquation en une seule somme. Nous pensons que la péréquation ne devrait pas se manifester par des programmes particuliers, tel l'assurance-santé. Qui peut alors dire en quoi consiste vraiment cette péréquation?

Il faut tenir compte de la moyenne nationale des frais médicaux. Le programme d'assurance-santé avantage-ra votre province, monsieur Smallwood, au cours des deux ou trois premières années, mais dès que les frais grim-peront, et cela se produira inévitablement, cet avantage disparaîtra.

L'HONORABLE J.R. SMALLWOOD: Si nous y trouverons un profit pendant la première année c'est parce que nous avons un programme d'assurance médicale depuis trente

ans déjà. L'HONORABLE J.P. ROBERTS: Il y a longtemps que nous en avons un nous aussi. Nous avons un excellent programme et nous ne voulons pas nous en défaire. On nous demande de le jeter aux orties pour adhérer au programme fédéral, mais la population n'y tient pas. Elle est très satisfait du programme actuel.

Voilà certains des problèmes qui, à notre avis, résultent du pouvoir d'imposer et ils nous semblent étroitement liés aux problèmes d'ordre constitutionnel. Si, comme je l'ai déclaré dans mon discours d'ouverture, l'Ontario ne peut obtenir plus de jeu pour poursuivre l'oeuvre qu'elle a entreprise, et si nous sommes obligés, soit de surtaxer notre population, soit de restreindre tous nos programmes dans les domaines de l'éducation, de la santé, de l'aménagement énergétique, des transports, du réaménagement urbain et de la lutte contre la pollution, vous aurez, par vos pressions fiscales, changé la physionomie du Canada beaucoup plus profondément et plus rapidement qu'en tripotant certaines dispositions de l'Acte de l'Amérique du Nord britannique. Nous serons contraints de repenser la situation et d'adopter des moyens d'action

domaine fiscal, j'ai l'impression que vous serez prêt à nous servir quelque nouveau programme dans deux ans. Je pense que vous accuserez un excédent. Nos prévisions l'indiquent.

L'HONORABLE E.J. BENSON: Réduirons-nous les impôts?

L'HONORABLE J.P. ROBERTS: Pourquoi ne pas nous donner un peu de jeu entre temps? Vous prétendez que vous n'avez pas tellement élevé les impôts, mais cette taxe de 2 pour cent -- impôt de progrès social, ou quelque chose du genre -- représente effectivement 9 pour cent de l'impôt du revenu des particuliers. D'une part, vous nous invitez à percevoir nos propres impôts et d'autre part vous occupez le domaine fiscal, comme vous venez de le faire, avant que nous ayons eu le temps de faire quoi que ce soit.

Ces deux situations, sont de quelque façon... je vois sourire monsieur Bennett. Vous êtes du même avis que moi, n'est-ce pas?

L'HONORABLE W.A.C. BENNETT: Je pense en effet que le gouvernement fédéral aura du jeu. Comme toutes les provinces n'adhèrent pas au programme d'assurance médicale, il enregistrera un excédent.

L'HONORABLE J.P. ROBERTS: Si nous n'adhérons pas au programme d'assurance santé, nous vous avisons que nous voulons obtenir l'équivalence en argent.

Au chapitre de l'imposition indirecte, on a prétendu que nous avons eu beaucoup de difficultés en Ontario parce que nous avons frappé les spiritueux d'un impôt trop élevé; fait intéressant à relever, l'impôt fédéral sur les spiritueux est plus élevé que l'impôt provincial.

L'HONORABLE J.R. SMALWOOD: Nous avons aussi un impôt plus élevé que le vôtre.

L'HONORABLE J.P. ROBERTS: Lorsque vous vous êtes demandé si nous devrions examiner la question des règles fondamentales qui devraient régir le pouvoir de dépenser du gouvernement fédéral, je vous écoutais avec beaucoup d'attention. J'ai l'impression que nous devrions entreprendre un examen approfondi de la question. Nous devrions

Nous sommes d'avis qu'il nous faut mieux délimiter nos responsabilités. Nous devons bien délimiter le champ de nos responsabilités respectives, et ces responsabilités doivent être solidement étayées par des ressources financières correspondantes. A l'heure actuelle, c'est dans les journaux que nous prenons connaissance des programmes qui intéressent nos provinces. Il faut que cela cesse. Nous ne sommes pas mis au courant par voie de consultation. On ne nous prévient même pas des initiatives qui sont prises, des changements qui sont apportés, et de la façon dont cela nous touche. C'est dans notre journal du matin que nous sommes mis devant le fait accompli. J'ignore quels sont les journaux à Québec, à Montréal, à Vancouver, à Regina ou à Winnipeg qui remplissent les mêmes fonctions d'information que le Globe and Mail de Toronto. On ne nous consulte pas pour connaître nos intentions et les effets qu'auront ces initiatives sur nos programmes.

Je vois monsieur Pearson qui siège ici en qualité d'observateur et je songe au "fédéralisme coopératif", expression évocatrice qu'il avait lancée. C'était une excellente idée, mais je ne pense pas que nous ayons réussi à l'appliquer. Peut-être devrions-nous revenir au fédéralisme coopératif, et oublier le fédéralisme à participation ou le fédéralisme fonctionnel...

L'HONORABLE J.R. SMALWOOD: Ou les deux.

L'HONORABLE J.P. ROBERTS: Ou tous les trois, au fond. Le véritable problème, c'est de trouver une formule de répartition des compétences juste et équitable. Etant moi-même dans l'arène politique, je connais les dictées de la vie politique. Et je sais qu'un gouvernement peut très difficilement réaliser un excédent sans chercher à le dépenser dans l'espoir de satisfaire tel ou tel groupe d'électeurs. Et c'est ainsi que notre déficit augmente au même rythme que votre excédent.

Je songe au Comité sur le régime fiscal... monsieur Sharp est-il parmi nous aujourd'hui? Il a préféré mettre au rancart tout le travail qu'a accompli ce comité.

Monsieur le premier ministre, vu les réductions que vous apportez à vos dépenses -- et nous en savons quelque chose et comme vous occupez par préemption le

Nous voulons une certaine liberté d'action pour prélever nos propres impôts. Nous sommes prêts à assumer sans crainte la responsabilité d'appliquer des impôts dans notre propre province. Nous ne demandons pas au gouvernement fédéral de prélever des fonds pour nous les remettre par la suite. Nous voulons lever nos propres impôts.

Lorsque nous pensons à l'ensemble du Canada, il va sans dire que certains aspects de l'adoption d'un régime fiscal intégral et autonome pour l'Ontario ne sont pas sans nous inquiéter quelque peu. Si chaque province instituait son propre régime fiscal, se dotait de ses propres leviers de réglementation en vue d'obtenir les fonds dont elle a besoin, qu'arriverait-il?

Je me demande si nous avons vraiment examiné toutes les répercussions et tous les effets secondaires de cette éventualité. Quels retentissements cela aurait-il sur l'autorité centrale au Canada? Quel serait le résultat ultime de cette réorganisation? Nous, de l'Ontario, estimons qu'on a traité cette question de façon un peu cavalière, sans trop s'y attarder, et sans analyser sérieusement les répercussions que subirait le Canada dans cette conjoncture.

Sans doute cette question sera-t-elle étudiée à son heure. Nous savons que le gouvernement fédéral doit tenir compte de toutes sortes de préférences et de différences régionales, comme nous l'ont expliqué monsieur Smallwood et les autres représentants des provinces de l'Atlantique. Nous n'entendons pas usurper à cet égard les pouvoirs du gouvernement fédéral. Autrement, le Canada ne serait plus ce que nous voulons qu'il soit.

J'ai déjà participé à bon nombre de conférences fédérales-provinciales. Je me rappelle que nous siégeons alors autour d'une grande table verte, qui n'avait pas d'ouverture au centre comme celle-ci. Je me rappelle aussi avoir déclaré que le fait d'être Canadien doit avoir chez l'individu une résonance profonde, qu'il soit de la côte Ouest ou du littoral de l'Atlantique, qu'il habite Cornerbrook ou ailleurs. Il faut qu'il y ait quelque chose de commun entre les Canadiens. Ce rôle de trait d'union revient au gouvernement fédéral et, à ce sujet, je suis tout à fait d'accord avec monsieur Smallwood.

L'HONORABLE J.P. ROBARTS: ... lorsque vous m'avez invité l'été dernier...

L'HONORABLE J.R. SMALWOOD: Tâchez de revenir.

L'HONORABLE J.P. ROBARTS: Et je dois avouer que j'ai dégusté le saumon que j'y ai pris.

L'HONORABLE J.R. SMALWOOD: Vous essayerez notre thon la prochaine fois.

L'HONORABLE J.P. ROBARTS: C'était aussi la première fois que mon fils de douze ans dégustait du saumon de l'Atlantique.

L'HONORABLE J.R. SMALWOOD: Il faudra aussi déguster de notre thon.

L'HONORABLE J.P. ROBARTS: Je compte le faire en la compagnie de monsieur Smith.

L'HONORABLE J.R. SMALWOOD: J'en enverrai donc en Nouvelle-Ecosse.

LE TRÈS HONORABLE P.E. TRUDEAU: Messieurs...

L'HONORABLE J.P. ROBARTS: Je n'avais pas terminé mes observations. Au fait, j'avais à peine commencé.

Nous sommes en accord avec le principe d'un gouvernement central fort. Nous nous opposons à la façon dont il exerce ses pouvoirs, notamment son pouvoir de dépenser. Nous pensons que bon nombre des problèmes qui existent pourraient être évités si le fédéralisme reposait un peu plus sur la participation, ce dont il a été question hier.

A notre avis, le gouvernement fédéral ne doit pas fermer les yeux sur les problèmes des provinces, par exemple, ceux qui se posent avec tant d'acuité dans le domaine de l'habitation. Il faut nous aider à élaborer les programmes qui s'imposent. Mais je tiens à bien préciser que la province de l'Ontario n'est pas en quête d'aumônes. J'aimerais qu'il n'y ait aucun malentendu là-dessus.

L'HONORABLE J.R. SMALWOOD: Monsieur le premier ministre Robarts, je n'ai pas dit que quoi que ce soit fût gratuit.

Permettez-moi de répondre à la question que vous avez soulevée sur la péréquation. Lorsque le Parlement du Canada frappe d'un impôt l'ensemble de la population canadienne, il n'applique pas des taux différents d'une province à l'autre. Les impôts que payent vos particuliers et vos sociétés, ce sont les mêmes, exactement les mêmes taux, que doivent verser nos particuliers et nos sociétés. Les rentrées ne sont pas suffisantes parce que la capacité contributive ne l'est pas, mais nous sommes sujets aux mêmes taux d'impôt que vous.

L'HONORABLE J.P. ROBARTS: Je comprends fort bien.

L'HONORABLE J.R. SMALWOOD: On n'enlève pas de l'argent à votre population pour le refiler à la nôtre. Les impôts sont perçus de tous les Canadiens par le gouvernement du Canada; l'usage qu'il en fait par la suite, c'est là une autre question. Mais il ne vide pas vos goussets pour remplir les nôtres.

L'HONORABLE J.P. ROBARTS: De grâce, ne nous pré-
sentez pas les choses de cette façon. Vous savez fort bien que l'Ontario appuie depuis des années le principe de la péréquation, et ce n'est vraiment pas de cela qu'il s'agit en ce moment.

L'HONORABLE J.R. SMALWOOD: Je tiens à signaler que vous même et vos prédécesseurs, aux Conférences et ailleurs, vous avez toujours traité la province de Terre-Neuve comme des amis très généreux.

L'HONORABLE J.P. ROBARTS: Nous sommes pas des amis généreux. Nous sommes des partenaires égaux.

L'HONORABLE J.R. SMALWOOD: Mettons que vous avez toujours été de bons amis.

L'HONORABLE J.R. ROBARTS: Nous aimons l'amitié. J'ai eu l'occasion d'aller pêcher dans l'une de vos magnifiques rivières...

L'HONORABLE J.R. SMALWOOD: Tâchez de revenir.

L'HONORABLE W.A.C. BENNETT: Vous avez mentionné 9 points d'impôt. A l'heure actuelle, qu'est-ce que 9 points d'impôt représentent en Ontario?

L'HONORABLE J.P. ROBERTS: Au titre de l'impôt sur le revenu des particuliers?

L'HONORABLE W.A.C. BENNETT: Oui.

L'HONORABLE J.P. ROBERTS: Environ 225 millions de dollars.

L'HONORABLE W.A.C. BENNETT: Et qu'est-ce que votre présent programme d'assurance médicale coûte au gouvernement provincial?

L'HONORABLE J.P. ROBERTS: Encore une fois, je puis fournir une réponse à monsieur Smallwood. Nous ...

L'HONORABLE W.A.C. BENNETT: Quelle tranche de votre budget ce programme représente-t-il à l'heure actuelle?

L'HONORABLE J.P. ROBERTS: Environ 75 millions de dollars.

L'HONORABLE W.A.C. BENNETT: Vous demandez donc 150 millions de dollars de plus que ce qu'il vous en coûte?

L'HONORABLE J.P. ROBERTS: Non, non, ce n'est pas le cas. Notre programme diffère de celui des autres provinces en ce que les gens doivent verser des primes. Il ne s'agit pas ici d'un impôt. Nos gens payent des primes pour l'assurance-hospitalisation et l'assurance-santé, tout comme s'ils achetaient une police d'une compagnie privée ou d'un courtier. Vous avez donc simplement le problème. J'ignore si c'est le cas dans votre province. Est-ce que les gens de Terre-Neuve payent des primes pour l'assurance-hospitalisation?

L'HONORABLE J.R. SMALLWOOD: Non, jusqu'ici ils n'ont pas eu à verser de prime.

L'HONORABLE J.P. ROBERTS: Les Ontariens, eux, y sont tenus: ce service n'est pas aussi gratuit que vous le prétendez.

L'HONORABLE J.P. ROBERTS: C'est ce que j'appelle le pouvoir fiscal exercé de façon à changer la constitution dans la pratique sans la modifier dans le texte. Vous forcez la province de l'Ontario à accepter un programme dont elle n'a franchement que faire.

Nous vous présentons donc une requête officielle et nous espérons qu'on nous donnera une réponse tout aussi officielle: nous voulons obtenir les rentrées provenant de cet impôt pour pouvoir les dépenser en fonction de nos propres priorités et non pas de celles que le gouvernement fédéral a établies pour la province de l'Ontario.

C'est une requête formelle. Libre à vous de l'accepter ou de la rejeter, mais j'espère que vous le ferez de façon tout aussi officielle que je le fais moi-même en ce moment.

Telle est l'essence du problème qui correspond à cet article de l'Ordre du jour. Le gouvernement fédéral va-t-il se servir de son pouvoir de dépenser à des fins constitutionnelles? Allons-nous enfin pouvoir exercer en toute liberté les pouvoirs que nous confie la constitution actuelle du Canada? Voilà ce que je veux savoir.

Permettez-moi de citer un autre exemple. On m'a signalé récemment que le ministère de la Santé nationale et du Bien-être social avait décidé d'assumer la moitié des frais qu'occasionne les programmes relatifs aux jeunes délinquents, à condition que se soit par l'intermédiaire d'un seul ministère provincial. Pour profiter de cette offre, qui nous laisse assez froids de toute façon, nous devons transférer d'un ministère à un autre tout un service administratif déjà en place. C'est la seule façon de satisfaire à vos exigences et d'être admissibles à la subvention.

Voilà précisément ce que je veux dire quand je soutiens qu'on se sert du pouvoir fiscal pour influencer sur la conduite et les responsabilités d'un gouvernement provincial.

L'HONORABLE W.A.C. BENNETT: Me permettez-vous de vous interrompre?

L'HONORABLE J.P. ROBERTS: Je vous en prie.

d'être les administrateurs des décisions qui seront toutes prises par le gouvernement central? Ou allons-nous avoir un régime fédéral au sein duquel l'autorité et le pouvoir de décision seront laissés aux provinces, au moins dans une certaine mesure, afin qu'elles puissent arrêter leur propre ligne de conduite dans les secteurs d'activité que leur confie la constitution?

Voilà certes où nous en sommes. Allons-nous laisser le gouvernement fédéral se servir de ses pouvoirs fiscaux pour modifier la constitution sans en modifier le texte? Car c'est effectivement ce que vous faites. Le gouvernement fédéral se sert de ses pouvoirs fiscaux pour obliger les provinces à accepter des programmes dont elles ne veulent pas et qui, de par la constitution, sont de leur ressort.

Monsieur le premier ministre, les études que vous avez faites et les ouvrages que vous avez publiés -- je ne citerai aucun titre -- montrent que vous avez reconnu ce problème longtemps avant que vous ne soyez lancé en politique active. Voilà vraiment l'essentiel de la question. Va-t-on contraindre l'Ontario à plier? Vous voyez dans quelle situation je me trouve. Je suis le chef du gouvernement de la province de l'Ontario et on oblige notre population à verser un impôt fédéral de 2 pour cent, ce qui correspond 9 points d'impôt du revenu des particuliers, pour financer un programme dont nous ne voulons pas.

L'HONORABLE E.J. BENSON: Pour financer ce programme et bien d'autres choses encore.

LE TRÈS HONORABLE P.E. TRUDEAU: Cet impôt est censé constituer une tranche de notre budget.

L'HONORABLE E.J. BENSON: Il s'agit d'équilibrer le budget. D'abord, 310 millions de dollars...

L'HONORABLE J.P. ROBERTS: Reprenons tout: si je ne fais pas approuver le programme par notre gouvernement, la population de l'Ontario en fera les frais sans en bénéficier.

L'HONORABLE E.J. BENSON: Elle n'en bénéficiera pas comme elle le devrait.

à leurs propres affaires et de déterminer leurs propres priorités dans les domaines qui, constitutionnellement, relèvent de leur compétence?

LE TRÈS HONORABLE P.E. TRUDEAU: Et que dire du programme ARDA?

L'HONORABLE J.P. ROBARTS: De grâce, ne me forcez pas à parler des programmes ARDA. Nous avons un programme de 25 millions de dollars qui n'est pas mis en oeuvre selon l'entente que nous avons conclue. Je laisserai à mon trésorier provincial le soin de vous donner les chiffres précis.

LE TRÈS HONORABLE P.E. TRUDEAU: Et j'inviterai l'un de mes ministres à lui donner la réponse.

L'HONORABLE J.P. ROBARTS: Fort bien. Mais lorsqu'on se met à replâtrer ces programmes, à se désister, à changer d'attitude, cela montre qu'on n'a pas procédé de façon judicieuse.

Peu m'importe qui a raison et qui a tort. Je ne suis pas venu à la Conférence pour perdre mon temps en futilités. Mais je ne voudrais pas qu'on m'accuse d'avoir déclaré qu'une somme de 25 millions de dollars ne constitue qu'une futilité.

Je me contenterai de faire remarquer que notre budget a été soumis à de brusques mutations par suite de certains changements de politique de la part du gouvernement fédéral. Nous avons dû respecter certains engagements à même nos propres ressources, alors que nous les avions contractés en fonction d'une participation financière du gouvernement fédéral.

Je voudrais dire que, si nous en sommes à la répartition des compétences nous avons atteint le point tournant de nos discussions constitutionnelles. La répartition des compétences, voilà l'élément essentiel sur lequel se modèlera le caractère de notre régime fédéral. J'estime que c'est le plus grave problème auquel il nous faut faire face: il s'est imposé à nous peu à peu avec les années.

Les provinces doivent-elles être réduites à des entités administratives? Devons-nous nous contenter

tant et aussi longtemps que des situations exceptionnelles existent et existeront au Canada, tant et aussi longtemps qu'on n'aura pas atteint ce qu'on appelle: cette égalité de chances; ou que l'on n'aura pas corrigé ces disparités régionales.

L'HONORABLE J.P. ROBERTS: Monsieur le premier ministre, j'aimerais revenir sur la façon dont l'Ontario envisage ce problème. Nous y voyons décidément une question de changement constitutionnel et de responsabilités constitutionnelles. Nous estimons que le gouvernement fédéral s'est servi de son pouvoir de dépenser pour modifier la constitution dans la pratique, sans la modifier dans le texte. Et comme nous en sommes à l'assurance-santé cela peut illustrer ma pensée aussi bien que n'importe quel autre exemple: on se sert des pouvoirs fiscaux pour faire avaler aux provinces quelque chose dont elles ne veulent pas. C'est du moins le cas de la province que je représente.

Monsieur Smallwood, que le gouvernement fédéral veuille bien subventionner tel ou tel programme dans votre province, dans les provinces de l'Atlantique ou dans toute autre province, nous ne trouvons rien à redire à cela. Nous, de l'Ontario, ne nous sommes jamais opposés au principe de la péréquation. Nous y avons souscrit. De fait, nous l'appliquons dans notre propre province, car nous avons proportionnellement autant de disparités à l'intérieur des limites de l'Ontario que le gouvernement du Canada en a à l'intérieur des frontières du Canada. Je n'ai pas à insister là-dessus.

Nous nous opposons à ce que le gouvernement fédéral se serve de son pouvoir de dépenser pour faire avorter la constitution -- je reprend l'expression que vous avez employée hier, monsieur Weir -- ou pour nous forcer à prendre certaines mesures dans des domaines qui, de par la constitution, sont tout à fait de notre ressort. Voilà pourquoi nous disons ceci. Je ne vois pas pourquoi c'est si difficile à comprendre. Si, à tort ou à raison, le gouvernement du Canada s'est passé une camisole de force en faisant adopter par la Chambre des communes une mesure législative tout à fait impraticable à moins qu'il ne la fasse modifier par le Parlement, pourquoi ne permet-il pas tout simplement aux provinces qui ne veulent pas de son programme de prendre l'équivalence fiscale, de vaquer

n'y a pas eu de programmes conjoints d'acceptés. Le gouvernement précédent, d'ailleurs, s'en est retiré, et il y a eu, à ce moment-là, des points d'impôt qui ont été consentis ou remis au gouvernement du Québec. Et tout cela s'est produit après des négociations entre le gouvernement du Québec, -- le gouvernement précédent, le gouvernement Lesage, -- et le gouvernement d'Ottawa.

Dans le cas de Medicare, voilà encore un problème qui relève, il me semble, de l'aven de tous, et cela en vertu de la constitution actuelle -- qui relève des provinces.

LE TRÈS HONORABLE P.E. TRUDEAU : Qui a été négocié avec les provinces.

L'HONORABLE J.J. BERTRAND : Qui n'a pas été, -- les renseignements que j'ai, et je les tiens de bonne source, ça n'a pas été négocié quant aux modalités, et nous n'acceptons pas, nous, le principe suivant. Nous avons eu l'occasion de le discuter lors d'une rencontre des premiers ministres des provinces à Waskesiu, en Saskatchewan, à l'occasion d'une conférence inter-provinciale. Nous n'acceptons pas le principe que pour avoir des standards qu'on appelle nationaux ou uniformes à travers le pays, il faille nécessairement qu'une loi soit adoptée par le gouvernement central.

Nous disons, avec tout le respect que je vous dois, (et je mentionne que si parfois, on élève le ton, on ne doit pas prendre ça pour des remarques à l'endroit du président en particulier, pour qui j'ai beaucoup d'estime) -- mais, des standards devraient être établis dans la limite de nos juridictions respectives, par entente entre les provinces.

Prenons l'éducation: il y a, à l'heure actuelle, par exemple, une conférence inter-provinciale des ministres de l'Éducation. Nous avons la même chose dans une foule de domaines; et à Waskesiu, nous avons tous accepté le principe de remplir nos responsabilités et d'exercer nos pouvoirs, et c'est là que nous avons, il me semble, réalisé une certaine unanimité sur un fédéralisme bien compris où Ottawa exerce des pouvoirs et où les provinces exercent des pouvoirs. Et ce pouvoir dont vous parlez, celui pour Ottawa d'aider, ce pouvoir de la péréquation, nous l'acceptons, mais comme un pouvoir exceptionnel,

d'éliminer les inégalités ou les disparités régionales. Et ce que je désire savoir, c'est dans quels secteurs nous pouvons exercer nos pouvoirs.

Je répète que nous sommes disposés à tenir compte de toutes vos opinions en vue d'établir les règles fondamentales dans ce domaine. Pourquoi devrions-nous affecter nos recettes à l'ARDA, soit aux programmes d'aménagement rural, et non pas à l'assurance-santé? Pourquoi devrions-nous favoriser l'assurance-santé plutôt que la route transcanadienne, ou la route transcanadienne plutôt que l'assurance-hospitalisation?

Il faut connaître les règles du jeu. Nous essayons de gouverner en vue d'améliorer le bien-être de la population du Canada. Nous tâchons d'adopter les lois qui nous permettront de verser divers genres de subventions de péréquation, pour que tous les Canadiens bénéficient d'un certain niveau de vie, mais je ne veux pas répéter les propos fort éloquents du premier ministre Smalldwood. Nous voulons savoir les réponses. Nous voulons que vous nous fassiez connaître les règles du jeu.

Nous sommes au service du peuple. Vous représentez la population de vos provinces respectives. Nous pensions que nos présentes délibérations, ou celles qui suivront, nous permettraient d'établir des règles. Et ces règles, nous ne les connaissons pas. Nous ne laissons pas la constitution nous accorde des pouvoirs de dépenser -- et je répète qu'il n'est pas fait mention à l'heure actuelle? Nous avons besoin de ces pouvoirs si nous voulons que tous nos citoyens trouvent avantage à vivre au Canada. Quelles sont donc ces règles?

J'espère que nous réussirons à les énoncer.

(FRANCAIS)

L'HONORABLE J.J. BERTRAND: Monsieur le président, vous me permettrez bien de vous dire d'abord que dans un régime fédéral, -- s'il y a des pouvoirs et des droits qui appartiennent aux provinces, il me semble que c'est élémentaire qu'en même temps, on devrait avoir des pouvoirs fiscaux pour remplir ces obligations.

Vous avez fait allusion aux programmes conjoints. Et vous savez fort bien que depuis quelques années, il

de Québec, si bien qu'une fois que la loi est là, il est difficile de changer une loi simplement parce qu'un gouvernement provincial change.

Mais il ne s'agit pas non plus de rouvrir des querelles, il s'agit de savoir qu'est-ce que nous devons faire pour l'avenir?

Pourquoi le fédéral peut dépenser pour la péréquation, ce qui fait l'affaire de la province de Québec, pour les plans ARDA, qui font l'affaire de la Province, pour lui donner 150 millions à l'expo '67, qui fait l'affaire de la province de Québec et de la ville de Montréal, et qu'on n'aurait pas le droit de dépenser du plan Médicare, qu'au moins un des deux partis de la province de Québec trouve excellent.

Alors, nous voudrions peut-être, nous voudrions peut-être limiter les pouvoirs de dépense, mais nous voudrions savoir comment, et nous cherchons un accord.

Le but de cette Conférence constitutionnelle est de définir des règles aux termes desquels nous pourrions exercer ce pouvoir de dépense. On ne peut pas dire que le pouvoir existe et on va l'accepter uniquement là où ça fait notre affaire. Parce que le plan Médicare ne fait pas l'affaire du Premier ministre de la province de Québec mais il fait l'affaire du premier ministre de la Colombie Britannique et de la Saskatchewan.

Alors, il faut chercher des normes qui puissent s'appliquer à l'ensemble du pays.

(TRANSDUCTION)

Et c'est précisément ce que nous tâchons d'accomplir: établir, d'un commun accord avec les provinces, les règles qui régiront le pouvoir de dépenser et le pouvoir d'imposer.

Nous ne voulons pas prélever des impôts à des fins qu'aucune province n'acceptent. Mais, comme l'ont signalé les premiers ministres Smallwood et Bennett, nous devons songer au bien-être de l'ensemble de la population du Canada. Nous devons ne pas oublier qu'il nous incombe

et là le premier ministre Smallwood a démontré que six provinces du Canada sont des provinces plus pauvres ou des provinces pauvres qui reçoivent le bénéfice de la péréquation, principe qui a permis à la province de Québec de recevoir 155 millions l'an dernier, 285 millions cette année et la projection de l'an prochain, c'est 310 millions. Il est certain que pour faire ces paiements de péréquation au Québec, au Nouveau-Brunswick, à Terre-Neuve, au Manitoba, il faut que le gouvernement fédéral ait un pouvoir de taxation et un pouvoir de dépense.

La question qui se pose à la Confédération c'est: ou cela doit-il être limité?

Pas par la péréquation, évidemment, puisqu'on admet que c'est nécessaire.

Comme le pouvoir de dépense et le pouvoir équivalent de taxation a permis également au gouvernement fédéral d'aider les provinces et la province de Québec à avoir des plans ARDA par exemple, en vertu desquels le gouvernement fédéral verse 212 millions, selon une entente dans la région du Bas St-Laurent, je suppose que la Province est d'accord avec le gouvernement fédéral avec un usage du pouvoir de taxation et de dépense.

Comme la province de Québec a participé à la route transcanadienne et qu'elle a accepté des fonds d'immobilisation, ce pouvoir de dépense également est admis.

Dans le domaine de l'hospitalisation également.

Le Premier ministre s'est plaint de ce que dans le domaine de dépense d'immobilisation des écoles techniques, le fédéral allait couper dans les dépenses et il voudrait que nous les rétablissions.

C'est donc que vous admettez le pouvoir de dépense dans ce domaine-là.

Même pour l'assurance-maladie dont on se plaint, il faut se rappeler que ce plan de Médicare a été négocié avec les provinces et que la province de Québec, notamment, par son gouvernement d'alors, a négocié les modalités que nous avons appliquées au Canada et plusieurs des éléments essentiels du plan Médicare ont été votés par le gouvernement du Canada, à la demande de la province

sur lequel repose la grandeur même de notre pays -- des leviers d'action dont il dispose. Vous ne pouvez modifier la constitution de façon à restreindre les rentrées fiscales que le gouvernement fédéral peut obtenir à travers le pays. Puis, ayant obtenu ces recettes, restreindre son pouvoir de les dépenser.

Qu'il les dépense non seulement pour assumer les fonctions régulières et traditionnelles, mais aussi pour venir en aide aux cinq provinces qui en ont besoin. Monsieur le premier ministre, nous sommes cinq: Le Québec -- et je suis tellement content de me trouver dans la compagnie de la province de Québec; je suis bien content qu'elle fasse partie de notre confrérie -- le Québec, dis-je, le Nouveau-Brunswick, la Nouvelle-Ecosse, l'Ile-du-Prince-Edouard et Terre-Neuve. Nous sommes cinq sur dix. Venez à notre secours. Prêtez nous main forte, que nous puissions nous aider nous mêmes.

Il y bien des façons de nous aider mais elles coûtent toutes quelque chose. Ne coupez donc pas vos propres ressources financières.

LE TRÈS HONORABLE P.E. TRUDEAU: Monsieur le premier ministre Smallwood, vous avez abordé un autre sujet qui figurait à l'Ordre du jour de la séance de ce matin. Et vous avez montré, je pense, que les pouvoirs d'imposer et de dépenser sont liés au problème des disparités régionales, question qui correspond précisément à un article de notre Ordre du jour. C'est pourquoi je n'ai pas jugé vos propos irrécevables.

Vous avez montré que ces deux questions sont nettement interdépendantes. Et, vu le précédent que vous avez créé, j'estime que nous devrions tous tâcher de relier ces deux articles de l'Ordre du jour.

(FRANÇAIS)

LE TRÈS HONORABLE P.E. TRUDEAU: Si je peux simplement me permettre de poser quelques questions à la Conférence, je voudrais dire au tout début que le principe posé par le premier ministre Bertrand, à savoir que les provinces doivent avoir les ressources suffisantes, est un principe sain et simple auquel nous croyons. La question qui se pose est de savoir: comment peut-on s'organiser pour que les provinces aient les ressources suffisantes

Même si l'on constate une certaine amélioration, nous sommes encore loin en arrière. Et ne me dites pas d'imposer davantage notre population. La source est drainée.

Quel autre recours avons-nous? Nous pourrions emprunter. Mais nous avons déjà contracté des emprunts. Et les taux d'intérêts sont tellement élevés -- atteignant 7, 8, 9 pour cent -- horriblement élevés, et de plus en plus il devient impossible ... même la riche province de l'Ontario a dû contracter ses emprunts en Allemagne. Même le gouvernement du Canada...

L'HONORABLE J.P. ROBERTS: C'est avantageux.

L'HONORABLE J.R. SMALWOOD: C'est pourquoi vous avez dû vous adresser au marché allemand. C'est la raison pour laquelle nous avons dû faire de même, et le gouvernement du Canada aussi. Vous devez emprunter au taux le plus avantageux possible.

Ainsi l'emprunt ne constitue pas une solution.

L'HONORABLE J.P. ROBERTS: Vous représentez cette affaire, qui nous a parue excellente, comme une chose répréhensible.

L'HONORABLE J.R. SMALWOOD: Moi aussi, j'ai péché. Nous avons emprunté sur le marché allemand. Mea culpa. Je ne veux pas vous accuser d'être un pécheur. Je fais simplement remarquer que nous ne pouvons pas relever le niveau de vie à Terre-Neuve à coup d'emprunts. Il n'est pas question non plus de grever davantage d'impôts notre population.

Ainsi, nous nous tournons vers Ottawa. Et pourquoi pas? Quelle est la raison d'être du gouvernement fédéral? Je pose la question très sérieusement. Quelle est la raison d'être de notre régime fédéral? Pourquoi avons-nous au Canada un régime fédéral? Pourquoi?

N'est-ce pas pour que le Parlement du Canada, comme le prévoit la constitution, soit habilité hors de tout doute à appliquer des impôts de n'importe quelle façon, selon n'importe quelle formule ou modalité. N'allez surtout pas changer cet état de chose. Ecoutez d'un air poli mais d'une oreille distraite ceux qui veulent renverser cet ordre de valeurs. Repoussez d'emblée la thèse de ceux qui veulent dépouiller le Parlement du Canada --

L'HONORABLE J.P. ROBERTS: Je n'ai pas la réponse, autrement je la ferais connaître. Je ne fais que poser la question.

L'HONORABLE J.R. SMALWOOD: Fort bien. Mais je ne me laisserai pas distraire de mon propos.

L'HONORABLE J.P. ROBERTS: Vous ne voulez pas donner la réponse?

L'HONORABLE J.R. SMALWOOD: Je me conforme à la proposition du premier ministre, savoir que nous devrions discuter des pouvoirs d'imposition du Parlement fédéral, du Parlement du Canada. Quels devraient être ces pouvoirs, selon la constitution? De quelle autorité le Parlement du Canada devrait-il être nanti en matière d'impôt?

Je soutiens -- et je m'adresse à vous, aux délégations présentes à cette Conférence et à toute la population canadienne -- que le Parlement du Canada doit être habilité, de par la constitution, à appliquer les impôts qui lui permettront de réaliser la péréquation dont vous avez fait mention, notamment dans les provinces où le revenu de la population est peu élevé, de même que le produit provincial brut. Vous me suivez?

Je ne dis pas que la moyenne en Nouvelle-Ecosse soit si basse, mais elle certes de beaucoup inférieure à celles de l'Ontario, de la Colombie Britannique et de l'Alberta.

Je ne dis pas que la moyenne au Nouveau-Brunswick est aussi peu élevée que la nôtre. J'ai l'impression que nous sommes tout à fait au bas de l'échelle canadienne. Je me dois toute fois de mitiger cette déclaration: alors que, l'an dernier, le revenu moyen de la population de la Terre-Neuve représentait 55 pour cent du revenu moyen de la population de l'Ontario, ce chiffre n'était que 46 pour cent en 1957. Autrement dit, le revenu moyen, par personne, à Terre-Neuve, est passé de 46 pour cent à 55 pour cent, comparativement à celui de l'Ontario, en l'espace de 9 ans. Il y a donc augmentation et cela signifie que nous progressons. En l'espace de neuf années, le revenu moyen de notre population a augmenté comparativement à celui de l'Ontario, qui est le plus haut au Canada.

de dollars par an en prélevant de la population ontarienne, dont le revenu moyen est de \$2,600, les mêmes d'impôts que nous prélevons de notre population, dont le revenu moyen est juste d'un peu plus de la moitié...

L'HONORABLE J.P. ROBERTS: Quelle proportion du revenu, à Terre-Neuve, représente les versements de péréquation?

L'HONORABLE J.R. SMALLWOOD: Je parle en ce moment du revenu de la population.

L'HONORABLE J.P. ROBERTS: Et moi je parle des versements de péréquation.

L'HONORABLE J.R. SMALLWOOD: J'y viendrai. Mais, pour le moment...

L'HONORABLE J.P. ROBERTS: Voyons les deux côtés de la médaille.

L'HONORABLE J.R. SMALLWOOD: Pour le moment, j'en suis à...

L'HONORABLE J.P. ROBERTS: Sans doute que cela intéresserait aussi la population de l'Ontario.

L'HONORABLE J.R. SMALLWOOD: Pour le moment, j'en ai à la proposition que j'ai lue ou entendue quelque part, et qui s'énonce dans ces termes: si les gouvernements des provinces ont besoin de plus d'argent, ou en veulent davantage, qu'ils imposent leur population en conséquence.

A l'heure actuelle, la population de Terre-Neuve doit soutenir un fardeau fiscal plus lourde que celle de toute autre province au Canada, du moins au chapitre des impôts provinciaux. Je vous ai cité les taux.

L'HONORABLE J.P. ROBERTS: A quelle proportion de l'ensemble de votre revenu correspondent les versements de péréquation?

L'HONORABLE J.R. SMALLWOOD: Je parle en ce moment du revenu de la population de Terre-Neuve.

L'HONORABLE J.P. ROBERTS: La question que je pose est fort simple.

L'HONORABLE J.R. SMALLWOOD: Un instant.

chiffres correspondent à la capacité contributive.

Venons en maintenant aux impôts. Si les provinces de Terre-Neuve et d'Ontario imposaient leur population au même taux, monsieur le premier ministre Roberts, si vous convoquez l'Assemblée législative provinciale...

L'HONORABLE J.P. ROBERTS: J'écoute.

L'HONORABLE J.R. SMALWOOD: Vous m'écoutez?

Si vous convoquez en session l'Assemblée législative pour lui faire adopter une loi en vue d'appliquer en Ontario le même taux d'imposition qu'à Terre-Neuve, voyez ce qui arriverait. Notre taxe de vente est de 7%, la votre n'est que de 5%. Mettons que votre taxe frappe les mêmes articles qu'à Terre-Neuve et que vous la portez à 7%: cela vous permet de gonfler de 221 millions de dollars vos rentrées fiscales. Cette seule taxe de vente, appliquée au même taux en Ontario qu'à Terre-Neuve, vous permettrait de récolter 221 millions de dollars en une seule année. Je ne dis pas que vous devriez le faire, mais il nous faut...

L'HONORABLE J.P. ROBERTS: Merci beaucoup. Et criez le plus fort!

L'HONORABLE J.R. SMALWOOD: Tout ce que je dis, c'est que si nous...

L'HONORABLE J.P. ROBERTS: Considérez l'ensemble des domaines fiscaux.

L'HONORABLE J.R. SMALWOOD: Je n'en ai pris qu'un à titre d'exemple. Je peux en prendre un autre. Si vous appliquez la même taxe sur l'essence et le carburant de moteur diesel que celle que nous prélevons à Terre-Neuve, vous auriez une somme supplémentaire de 150 millions de dollars par année. Si vous frappez le tabac de la même taxe que nous, vos recettes fiscales augmenteraient encore de 56 millions de dollars par année. Enfin, si vous frappez les spiritueux de la taxe que nous imposons à Terre-Neuve à l'heure actuelle, vous obtiendriez encore 150 millions de dollars par année. Autrement dit, vous récolteriez plus d'un demi milliard

envie de danser, je le reconnais. Si le gouvernement fédéral débite ses largesses à telle ou telle province, il sera tenté d'imposer ses conditions. Il a manifestement le droit de le faire, mais il risque de donner dans l'arrogance. Il voudra faire jouer ses poings: c'est le propre de l'homme et le propre des gouvernements. Aucun gouvernement n'aime laisser quelqu'un dépenser comme il l'entend l'argent qu'il lui remet. Il se peut donc que le gouvernement fédéral -- c'est un danger qui le guette -- désire exercer plus d'autorité qu'il ne le devrait dans un domaine qui n'est pas de son ressort. Je suis tout à fait d'accord là dessus. Mais ce n'est pas parce que le danger existe qu'Ottawa doit s'abstenir de remettre aux provinces l'argent dont ils ont besoin pour assumer leurs responsabilités. Ou encore, selon la réforme constitutionnelle préconisée par le premier ministre Bennett, de rendre aux provinces le droit de prélever leur propre impôt.

Le droit de prélever nos propres impôts? Merci beaucoup, monsieur le premier ministre, nous n'en voulons pas. Nous ne savons qu'en faire. Vous remettiez au gouvernement et à l'Assemblée législative de Terre-Neuve les droits que détenaient à l'heure actuelle votre gouvernement et votre Parlement que nous n'en voudrions absolument pas. Cela serait tout à fait inutile, car les impôts perçus dans la province de Terre-Neuve par le gouvernement fédéral et par le gouvernement provincial ne suffisent pas; c'est aussi simple que cela.

Même si on les additionne, ces impôts sont loin d'être suffisants pour satisfaire à nos besoins. Permettez-moi de faire une petite comparaison. L'an dernier, le revenu moyen, par personne, dans la province de l'Ontario était de \$2,624. Chaque citoyen de l'Ontario gagnait \$2,624. A Terre-Neuve, le chiffre était de \$1,224. Ainsi, le citoyen moyen de Terre-Neuve a gagné en 1967 55% du revenu du citoyen moyen de l'Ontario, soit un peu plus de la moitié.

Il s'agit là du revenu. Mais l'impôt frappe justement le revenu. Ainsi, vous n'obtiendrez pas autant de Terre-Neuve, ou de n'importe quelle région du Canada où le revenu moyen est de \$1,224 que d'une province où le revenu s'établit en moyenne à \$2,600 par personne.

Pour l'ensemble du Canada, la moyenne était de \$2,300. L'Ontario excédait cette moyenne de \$300. Ces

Terre-Neuve -- peut-être un peu plus, mais pas tellement -- vous ne pouvez maintenir le niveau de vie et tous les services publics dont bénéficiaient vos citoyens et vos familles sans les centaines de millions de dollars que vous tend chaque année la main généreuse d'Ottawa.

(FRANCAIS)

L'HONORABLE J.J. BERTRAND: Mais, voici, monsieur Smillwood, si vous permettez, est-ce qu'on peut déduire, par exemple, par les propos que vous venez de tenir au sujet du rôle du gouvernement du Canada, que le domaine de l'éducation, puisque nous avons besoin d'argent, devrait relever du gouvernement d'Ottawa?

Est-ce que le domaine de la santé devrait, parce que nous avons des besoins à remplir, -- relever du gouvernement du Canada?

Et le domaine du bien-être également, parce que ça coûte cher, -- est-ce cela que vous voulez dire?

L'HONORABLE J.R. SMILLWOOD: Non. Ce n'est pas cela.

L'HONORABLE J.J. BERTRAND: Me permettrez vous d'ajouter ceci?

Nous n'avons jamais discuté ce rôle que nous croyons important: le rôle que joue la péréquation pour aider les provinces qui sont davantage dans le besoin. Nous n'avons jamais nié ce rôle. Au contraire. Et nous devons dire que le Québec, et je l'admets, a reçu de ces montants. Et je sais qu'il en va de même d'autres provinces au Canada: monsieur Robarts a déjà déclaré qu'il était heureux d'apporter, grâce à la prospérité de sa province, cette contribution à l'ensemble du Canada; et monsieur Bennett, de la Colombie Britannique, a dit la même chose. Mais, sur le fond du problème, parce qu'il y a des problèmes comme ceux que vous notez, cela ne veut pas dire que le gouvernement central doit s'occuper d'éducation, ni de santé, ni des problèmes du bien-être.

(TRANSLATION)

L'HONORABLE J.R. SMILLWOOD: Je suis on ne peut plus d'accord. Celui qui paie pour la musique a toujours

seulement aux chemins de fer et aux canaux, aux lignes aériennes, au commerce avec les autres pays, aux affaires étrangères, à la défense, et à ces questions qui sont normalement de leur ressort. Ce n'est pas pour cela que vous -- pardon, je ne veux pas vous viser personnellement -- ce n'est pas pour cela que le Parlement du Canada existe. Le Canada, c'est tout autre chose.

Vous avez reconnu le bien fondé de ce principe, à l'instar de vos prédécesseurs, tant libéraux que conservateurs: vous y avez tous souscrit. Les initiatives adoptées par les deux partis au pouvoir le démontrèrent.

Vous avez institué, par exemple, la Banque d'expansion industrielle, qui accorde aux entreprises des prêts que les banques traditionnelles ne leur consentiraient pas. Vous avez accordé des prêts pour l'aménagement de lignes de transmission d'énergie électrique, mais ce programme ne s'appliquait qu'aux provinces de l'Atlantique, et non au reste du Canada.

Vous avez adopté d'autres initiatives en faveur des provinces de l'Ouest. Les cultivateurs des Prairies bénéficiaient de la loi sur la remise en valeur des terres agricoles. Le gouvernement fédéral a adopté dans le passé toutes sortes de mesures législatives de ce genre, reconnaissant ainsi qu'il lui incombait de prêter main forte au développement des régions défavorisées du pays.

Plus récemment, nous avons eu l'Office d'expansion des provinces de l'Atlantique, l'ARDA, l'Office de développement régional, et FRPD. A mon sens, toutes ces mesures correspondent à la reconnaissance d'une responsabilité fédérale, d'une responsabilité parlementaire, d'une responsabilité du gouvernement fédéral qui, en n'levant par le haut, plutôt que par le bas, doit essayer de réaliser un meilleur équilibre entre les dix provinces.

Autrement, il faudrait jeter par dessus bord Terre-Neuve, la Nouvelle-Ecosse, l'Île-du-Prince-Édouard, le Nouveau-Brunswick et peut-être même le Manitoba, et aller s'installer au Québec. Peut-être faudrait-il aussi lancer le Québec par dessus bord, car la province de Québec est dans la même situation que nous. Oui, Monsieur le premier ministre Bertrand, votre province est exactement dans la même situation que Terre-Neuve. Pas plus que

publics, le niveau de vie, que vous êtes en mesure de vous accorder vous-mêmes, et pas d'avantage."

Nous serions alors une source de discrédit pour le Canada et pour le monde. Nous ne pouvons pas agir de cette façon. C'est l'inverse qui se produit, et nous y sommes manifestement tenus. Quelques villes seulement produisent, dans la province de Terre-Neuve, des richesses valant la peine d'être mentionnées: Cornerbrook et Grand-Falls, importants centres de production du papier, Labrador-City et Wabush, grands centres miniers, et quelques autres encore -- mais la liste n'est pas longue --. Notre revenu provient surtout d'une poignée de localités.

Il y a un manque flagrant d'équilibre, il existe -- je cherche l'expression juste -- de grandes disparités. C'est le mot que j'essayais de vous faire dire, monsieur le premier ministre, car vous en assumez en quelque sorte la paternité. Vous l'avez mis sur toutes les lèvres dans au moins cinq des dix provinces du Canada.

On peut retracer cette disparité entre les milles localités de Terre-Neuve. Au Nouveau-Brunswick, le premier ministre Robichaud a fait de cette question le thème d'une grande campagne. Il a déclaré que chacune des petites localités -- ou quel que soit le nom qu'on leur donne au Nouveau-Brunswick, à Terre-Neuve, nous parlons de hameaux -- ne doit pas être tributaire des seuls revenus et des seules richesses qu'elle peut produire. L'importance relative, accidentelle, et souvent très minime, des richesses d'une localité donnée ne devrait pas être le facteur qui détermine les possibilités et le genre d'éducation dont bénéficieront les enfants. Vous en avez fait la responsabilité de votre Assemblée législative, de votre gouvernement, de toute la province du Nouveau-Brunswick. Il nous incombe de faire de même.

Et vous, monsieur le premier ministre, vous devez oeuvrer dans le même sens. Le Parlement et le gouvernement du Canada doivent adopter précisément le même principe, car il n'y a pas d'autre raison d'être pour le Canada. Sans cela, l'existence de notre pays ne rime à rien.

Vous n'avez pas été élu pour présider brillamment une commission d'administrateurs intraitables, qui s'appelle par hasard le gouvernement du Canada, une commission d'administrateurs indifférents aux disparités, et intéressés

encore, soit celle d'orienter, de modeler, de façonner. Toutefois, cette responsabilité ne saurait s'exercer de façon exclusive, car le Canada se compose de provinces qui ont leur propre gouvernement, comptable à leurs assemblées législatives, ainsi que leurs propres pouvoirs et responsabilités constitutionnelles. Par conséquent, le gouvernement fédéral ne peut considérer tous les secteurs d'activités comme un monopole exclusif. Mais la raison d'être du Canada, la raison d'être de la Confédération, la raison pour laquelle nous ne sommes pas dix Etats balkanisés, la raison pour laquelle il y a un Canada et un Parlement canadien, c'est certes que le Parlement du Canada, ou le gouvernement qui en dépend, doit être chargé de cette fonction suprême qu'est la surintendance générale de l'ensemble du Canada, c'est qu'il doit être responsable de la croissance, du progrès, de la grandeur, de l'unité du Canada, et, partant, des rapports harmonieux entre les Canadiens et du bonheur des Canadiens.

Si tel est le but du Parlement du Canada, nous n'irons pas modifier notre constitution pour soustraire au Parlement canadien cette mission et les moyens dont il dispose pour la remplir.

Permettez-moi d'illustrer ma pensée par un exemple pratique. On trouve à Terre-Neuve -- je m'excuse de me servir de Terre-Neuve comme exemple, mais je le fais car c'est parmi les dix provinces celle que je connais le mieux -- un millier de hameaux (de villages, si vous voulez) peuplés de huit, dix, douze, cinquante ou quatre-vingt familles. Lorsqu'une localité compte une centaine de familles, elle prend à nos yeux une certaine importance. Nous en avons plus d'un millier, qui s'échelonnent le long d'un littoral de six mille milles.

Monsieur le premier ministre, vous avez survolé cette région. Vous avez pu les voir tapis le long du littoral et séparés les uns des autres par des distances de huit, dix ou quinze milles.

Le gouvernement de Terre-Neuve pourrait-il en toute justice déclarer à chacune de ces localités: "Vous aurez ce que vous êtes en mesure de produire, et rien de plus. Vous et vos familles aurez les routes, les écoles, les services de santé, les finances publiques, les services

LE TRÈS HONORABLE P.E. TRUDEAU: Monsieur le premier ministre Smalwood, j'ai l'impression que le débat porte sur les deux questions à la fois.

L'HONORABLE J.R. SMALWOOD: Fort bien.

LE TRÈS HONORABLE P.E. TRUDEAU: Il s'agit du pouvoir d'imposer et du pouvoir de dépenser.

L'HONORABLE J.R. SMALWOOD: D'accord.

LE TRÈS HONORABLE P.E. TRUDEAU: Si nous pouvons n'aborder qu'une question à la fois, cela faciliterait les choses.

L'HONORABLE J.R. SMALWOOD: A mon avis, tout le

problème se résume à la question suivante: quelle est la raison d'être du Canada, du Parlement canadien, du gouvernement canadien? Devons-nous avoir un Parlement qui adopte des lois en vue de percevoir de la population canadienne suffisamment d'impôts pour permettre au gouvernement du Canada de s'occuper des forces armées, des postes et des services télégraphiques, des chemins de fer, des services aériens, des pêcheries, de l'agriculture, des ports, des aides à la navigation, des banques, des affaires étrangères, du commerce extérieur, bref de toutes les questions qui relèvent manifestement de la compétence du gouvernement national de tous les pays du monde, car seul le gouvernement qui représente l'ensemble de la nation peut assumer ces responsabilités.

Est-ce cela la raison d'être du Parlement ou du gouvernement du Canada: les fonctions et les responsabilités normales, régulières, traditionnelles de tout gouvernement national, sous n'importe quelle forme de régime gouvernemental et dans n'importe quel pays, grand ou petit, qu'il s'agisse, comme ici, de la moitié d'un continent, de la partie septentrionale du continent nord-américain, composé de dix provinces et s'étendant de l'Atlantique au Pacifique sur plus de quatre mille milles, ou d'un pays comme le Mexique, le Nicaragua, etc?

En sera-t-il ainsi? Consentirons-nous à ce que le gouvernement canadien soit chargé de ces fonctions et des responsabilités normales et traditionnelles? Ou allons-nous, de par la constitution, doter le Parlement du Canada d'une responsabilité beaucoup plus lourde

santé, conduit directement, nous le croyons, à la ruine du régime fédéral.

Trop souvent, c'est Ottawa qui a l'argent, et les provinces qui ont les pouvoirs et les responsabilités.

La question qui se pose est la suivante: faut-il donner les droits et les pouvoirs et les responsabilités à celui qui a l'argent? ou donner l'argent à ceux qui ont les droits, les pouvoirs et les responsabilités?

Quant au Québec, cela a été dit depuis combien d'années? Il suffirait de relire toutes les déclarations des Premiers ministres du Québec, depuis, à ma connaissance les vingt et un ans que je suis en politique, -- à toutes et chacune des conférences fédérales-provinciales, où le Québec a toujours dit qu'il croyait que l'argent, les revenus devaient suivre les droits, les pouvoirs, les responsabilités; et non les droits, les pouvoirs et les responsabilités suivre l'argent.

Voilà, monsieur le président, le point de vue, je le sais, depuis si souvent répété, mais que le Québec croit de son devoir de reprendre ce matin à l'occasion de cette discussion sur le problème immédiat qui a été soulevé par notre collègue de l'Ouest, le premier ministre du Manitoba.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur Bertrand, je pense que...

(TRADUCTION)

L'HONORABLE J.R. SMALLWOOD: Monsieur le premier ministre, me permettez-vous de poser une question? Où en sommes nous présentement? De quoi étions-nous convenus de discuter? Des pouvoirs que le Parlement du Canada doit détenir, et qu'il peut transmettre au gouvernement du Canada, au chapitre des impôts qui frappent les Canadiens? Est-ce bien cela? Ou s'agit-il plutôt du pouvoir de dépenser dont le Parlement du Canada doit investir le gouvernement canadien aux termes de notre constitution? En sommes nous au pouvoir d'imposer ou au pouvoir de dépenser?

Par-dessus tout cela, le gouvernement fédéral voudrait nous inciter à nous lancer immédiatement dans un programme universel et public d'assurance maladie; et je n'ai pas besoin de vous dire que pour le moment, nous n'en avons pas les moyens, même si nous le souhaitons ardemment.

Nous l'avons dit en novembre dernier: nous avons l'intention d'établir un programme québécois d'assurance maladie, mais nous le ferons quand nous le voudrons, et surtout, quand nous le pourrons.

Il s'agit là d'un domaine de compétence -- tout le monde le reconnaît -- de compétence exclusivement provinciale, où il appartient au seul gouvernement du Québec de décider des mesures à prendre chez nous. Et pour financer cette intrusion dans un domaine clairement provincial, le gouvernement fédéral, il va sans dire, sans consultation avec nous, a imposé une nouvelle taxe dite de "progrès social" qui vient limiter d'avantage les possibilités des provinces de recourir à l'impôt sur le revenu des particuliers, et annuler en quelque sorte le dégrèvement d'impôt que nous avions consenti, en toute justice, à nos citoyens les plus défavorisés.

Dans ce domaine, monsieur le président, nous allons, au Québec -- le premier ministre Robarts a donné le montant que les citoyens de l'Ontario vont être appelés à payer, -- au Québec, dis-je les contribuables québécois vont payer une somme d'environ 120 millions.

C'est pourquoi je ne comprends pas que le gouvernement fédéral persiste dans son dessein d'imposer cette nouvelle taxe, quand les provinces, dans l'exercice de leurs pouvoirs constitutionnels, ont décidé de ne pas se prévaloir de la Loi fédérale sur les soins médicaux.

Est-ce qu'on ne se rend pas compte que dans la situation politique actuelle du Canada et du Québec, on sape ainsi, en vertu de la Constitution actuelle, la confiance que l'on voudrait avoir dans un système fédéral.

Je me dois donc de donner au gouvernement fédéral, -- de répéter l'avertissement que nous lui avons donné: que le manque de responsabilité, tant en ce qui concerne le partage des impôts que son intrusion dans les domaines de compétence provinciale, et en particulier, celui de la

En novembre et en décembre derniers, le gouverne-

ment fédéral a consenti, comme il s'était engagé à le

faire, à réexaminer avec nous les arrangements fiscaux.

J'assistais à la conférence du mois de novembre, et mon

collègue, le ministre des Finances, l'honorable monsieur

Dozois, a assisté à celle de décembre. Malheureusement,

il faut l'admettre, il n'en est résulté aucun changement

favorable aux provinces. Et cela, malgré les travaux

techniques qui ont confirmé ce qu'avaient prédit les étu-

des du comité du régime fiscal; à savoir: que les recettes

du gouvernement fédéral croissent plus rapidement que

ses dépenses, alors qu'au contraire, les dépenses incom-

pressibles des gouvernements provinciaux s'accroissent

beaucoup plus rapidement que le produit de leurs impôts.

Et je pourrais ici donner combien d'exemples, dans le

domaine, entre autres, de l'éducation où, il y a à peine

un an et demi, à l'occasion du budget 1966, nous avions

des dépenses s'élevant à quelques 500 millions, alors que

l'an dernier, ces dépenses dans le domaine de l'éducation,

dans le budget provincial, s'élevaient à 750 millions.

Mais, il y a encore plus que cela.

Non seulement les arrangements actuels ne sont pas

améliorés, mais ils ne sont même pas respectés. Alors

que le gouvernement fédéral s'était engagé à contribuer

aux dépenses d'immobilisation pour les écoles profession-

nelles et techniques, jusqu'à concurrence d'un montant

de 374 millions, pour le Québec, et cela, sans contrainte

quant à la date de l'utilisation de ces fonds, voici que

le gouvernement veut nous imposer unilatéralement une

limite arbitraire de 34 millions pour le prochain exercice

financier, même si le Québec a encore droit, en vertu

de ces ententes passées à environ 150 millions de contri-

butions fédérales.

Ce montant de 34 millions est nettement insuffi-

sant, et ne nous permettra pas de continuer les construc-

tions déjà en cours; encore bien moins pourrions-nous

continuer notre programme au moment même où il devient

de plus en plus urgent de construire les écoles pour

répondre à notre accroissement démographique et combattre

le chômage. J'ajoute enfin que cette limitation est injus-

te pour les provinces qui n'ont pas pu bénéficier des

contributions fédérales au début du programme, les empê-

chant ainsi de faire le rattrapage qui s'impose.

péréquation pratiquée en fonction des individus, et non des gouvernements provinciaux. Après l'assurance-hospitalisation et l'assurance-santé, la grande réforme sociale qu'il nous faut c'est le revenu minimum garanti pour tous les Canadiens, où qu'ils habitent. Et ce sont surtout les régions qui ont un revenu inférieur, comme Terre-Neuve et d'autres provinces, qui en bénéficieront.

Je n'en ai pas à la péréquation comme telle. J'estime seulement qu'on essaie d'égaliser les choses qui ne peuvent pas l'être.

(FRANCAIS)

L'HONORABLE J.J. BERTRAND: Monsieur le président, je pense que si nous acceptions les vues que vient d'exprimer le premier ministre de la Colombie-Canadienne, Colombie Britannique, cela nous mènerait directement à un gouvernement unitaire, un gouvernement national qui poserait à peu près tous les pouvoirs, et qui aurait à remplir à peu près toutes les responsabilités d'un gouvernement. Ce n'est peut-être pas ce qu'il a voulu dire, mais c'est, de ses propos, ce que j'en conclus.

Quant à nous, notre position a été énoncée à plusieurs reprises. Et sur le sujet des pouvoirs fiscaux, il semble ressortir de notre discussion d'hier, en fin d'après-midi, que ce problème devrait être envisagé sous deux angles différents, mais complémentaires: d'abord, il convient de faire en sorte que les provinces aient à leur disposition les ressources nécessaires pour faire face à leurs obligations en vertu de la Constitution actuelle. C'est le problème, disons, immédiat.

En effet, les discussions constitutionnelles elles-mêmes ne peuvent se poursuivre avec efficacité que si notre système actuel fonctionne raisonnablement bien et que le climat est à la confiance mutuelle.

D'autre part, il faut également envisager le problème fiscal dans une perspective à long terme, et vous l'avez noté tantôt, c'est-à-dire: dans le cadre d'une nouvelle allocation des responsabilités et des pouvoirs fiscaux, ce qu'on appelle "nouvelle répartition des pouvoirs".

L'HONORABLE J.P. ROBERTS: Mais nous avons tout à la place de ce programme. Nous avons notre propre...

L'HONORABLE W.A.C. BENNETT: Nous ne devons pas

oublier que le gouvernement fédéral obtient son pouvoir directement de toute la population et s'intéresse aux problèmes d'envergure nationale; les gouvernements provinciaux obtiennent aussi leurs pouvoirs directement. Mais je prétends, pour ma part -- et c'est la seule question qui me préoccupe vraiment -- que le gouvernement fédéral, parce qu'il s'immisce dans tous les modes d'imposition, se lance dans des programmes comme l'assurance-santé alors que nous aurions dû nous-même nous en occuper.

L'HONORABLE J.P. ROBERTS: N'oubliez surtout pas que ce programme s'articule sur une formule de péréquation, sur le calcul de la moyenne nationale. Ainsi Terre-Neuve -- soit dit en passant, monsieur Smallwood est un de mes grands amis, et je compte de nombreux amis à Terre-Neuve -- y trouve son compte. Si nous partons d'une moyenne nationale, Terre-Neuve aura un profit.

Dans votre province, le coût de la vie est élevé, vous ne pouvez pas...

L'HONORABLE W.A.C. BENNETT: C'est vrai.

L'HONORABLE J.P. ROBERTS: Etes vous d'accord avec ceci?

L'HONORABLE W.A.C. BENNETT: Je reconnais que le gouvernement fédéral a le droit de le faire.

L'HONORABLE J.P. ROBERTS: Le gouvernement fédéral a le droit de faire bien des choses, mais cela ne veut pas dire que j'approuve tout ce qu'il fait.

L'HONORABLE W.A.C. BENNETT: Monsieur le premier ministre, je dis que je m'oppose à la péréquation provinciale au niveau des gouvernements provinciaux. On tiquée des impôts qui ne devraient pas être nivelés: les traitements des instituteurs, par exemple, sont beaucoup plus élevés dans telle province que dans telle autre. La péréquation des gouvernements provinciaux, je n'en veux pas.

Mais il ne fait pas de doute que je souscris à la péréquation pour les Canadiens, c'est-à-dire à la

Nous pouvons discuter du pour et du contre de ces lignes de conduite, mais, en ma qualité de premier ministre provincial et de citoyen du Canada, je ne mets pas en cause le droit que possède le gouvernement fédéral, conformément aux pouvoirs qu'il détient, d'imposer les Canadiens dans toutes les régions de pays, pourvu qu'il le fasse de façon uniforme. Si les Canadiens d'une région donnée, ou de toutes les régions du pays, refusent de participer aux programmes qu'il propose, ils sont libres de le faire.

Cela s'applique à l'assurance-hospitalisation. Si certaines provinces n'avaient pas joué le rôle de pionniers dans ce domaine, et si d'autres provinces avaient eu le droit d'y apposer leur veto, de se désister et d'obtenir l'équivalence fiscale, nous n'aurions pas ce magnifique programme d'assurance-hospitalisation, dont nous bénéficions d'un bout à l'autre du pays.

L'HONORABLE J.P. ROBERTS: Mais nous avons un magnifique programme en Ontario qui fait notre affaire et celle de notre population. Mais on nous demande de l'éliminer, de le jeter aux orties.

L'HONORABLE W.A.C. BENNETT: Le gouvernement fédéral a élaboré un programme et, si elles veulent y participer, les provinces doivent se raccorder au plan fédéral.

Nous, de la Colombie-Britannique, pouvons facilement opérer ce raccord dans le domaine de l'assurance santé.

Je crois avoir signalé hier que les frais d'hospitalisation et les honoraires de médecins sont les deux de dépenses qui peuvent imposer à la famille un carcan économique pendant bien des années. On ne relève aux États-Unis aucun programme comparable au nôtre. Les Américains nous envient: ils sont surpris de voir de tels progrès sociaux dans la partie septentrionale du continent nord-américain.

Je n'aimerais pas que l'on recule dans ces deux grandes réformes, l'assurance-hospitalisation et l'assurance-santé. Si une province est libre de ne pas adhérer à ces régimes il se peut que ses citoyens ne reçoivent pas le bénéfice d'une alternative provinciale.

Nous avons du modifier nos prévisions budgétaires et trouver vingt-cinq millions de plus à même nos rentrées fiscales. Voilà ce que nous reprochons aux programmes à frais partagés.

Nous nous opposons vigoureusement à ce que le gouvernement fédéral utilise son pouvoir de dépenser pour modifier la constitution. Je dois ajouter que je ne vous blâme pas personnellement car le mal a été fait avant que vous n'assumiez vos fonctions actuelles. Le programme d'assurance santé est un exemple saisissant de cet état de choses, un complet machiavélisme qui constitue, à mon humble avis, l'une des pires traques politiques dont la population canadienne ait fait les frais jusqu'ici.

En somme, vous arrachez aux contribuables ontariens 225 millions de dollars par année pour un programme qui ne nous rapporte rien parce que nous ne lui accordons aucune priorité en Ontario.

Voilà pourquoi nous voulons avoir l'équivalence fiscale. Cette requête nous semble juste et équitable. Nous disons simplement que si nous ne voulons pas participer à votre programme, nous devrions recevoir les fonds que vous préleveriez de la population de l'Ontario. J'espère que tous les citoyens de l'Ontario regardent la télévision ce matin et écoutent ce que je dis en ce moment, car c'est à eux que je m'adresse. Ce sont eux qui vont verser 225 millions de dollars. Et si nous ne réussissons pas à vos cajoqueries, si nous ne cédon pas à vos pressions, les contribuables de l'Ontario ne profiteront pas des fonds qu'ils vont verser.

L'HONORABLE W.A.C. BENNETT: Nous estimons que le gouvernement fédéral est au service, non seulement de chaque contribuable, mais aussi de chaque citoyen du Canada. Vous êtes élus directement, et non pas par les gouvernements provinciaux. Vous n'avez le droit de perception que dans certains domaines d'imposition; mais, à l'intérieur de ses pouvoirs, le gouvernement national, pour être vraiment d'envergure nationale, doit être habilité, pour peu que le Parlement y consente, à présenter les politiques qui lui semblent les plus favorables à tous les Canadiens de toutes les régions du pays.

des ministres des Finances, monsieur Sharp a annoncé que nous allons peu à peu nous retirer de ces programmes à frais partagés.

L'assurance santé a fait l'objet de beaucoup de discussions et de consultations avec les provinces. Je ne prétendrai pas que la proposition a rallié l'unanimité, loin de là. Mais cela soulève un problème. Certaines provinces veulent les programmes à frais partagés, d'autres n'en ont que faire.

L'HONORABLE W. WEIR: En bien, monsieur le premier ministre, si vous voulez parler de l'assurance médicale, je veux bien, car sur ce programme notre point de vue n'est pas différent du votre. Ou plutôt si, mais seulement au sujet des règlements qui le régissent. Et j'ai des vues bien arrêtées là-dessus.

Nous avons un programme fort raisonnable et qui aurait, à mon avis, très bien marché. Nous l'avons présentée et on l'a rejeté.

Mais à cette étape-ci, je ne m'en plains même plus. Mes vues n'ont pas changé, mais c'est une chose du passé, et revenir sur ce qui est fait serait peine perdue.

L'HONORABLE J.P. ROBERTS: Ce n'est pas ainsi que nous voyons la chose en Ontario. Nous nous opposons encore à ce programme, et nous continuerons à nous y opposer. Et nous vous avisons que nous voulons avoir l'équivalence fiscale. Nous vous avisons officiellement que nous désirons obtenir l'équivalence fiscale.

LE TRÈS HONORABLE P.E. TRUDEAU: Pensez-vous qu'il y a lieu d'appliquer ce principe pour tous les programmes à frais partagés?

L'HONORABLE J.P. ROBERTS: Nous voulons certaines règles de base, monsieur le premier ministre. Je ne compte pas entrer dans les détails, ce serait fastidieux et quelque peu mesquin mais nous pouvons, chiffres en main, vous montrer les difficultés auxquelles nous devons faire face lorsque votre gouvernement se retire de certains programmes. Dans le cas d'un programme, pour ne prendre qu'un exemple, vous vous êtes soudainement désistés alors que vous deviez vingt-cinq millions de dollars.

L'HONORABLE D.G. STEUART: A moins que le gouvernement fédéral n'expose les problèmes financiers d'intérêt immédiat, à moins que monsieur Benson ne soit disposé à le faire, je ne vois pas comment nous pouvons parler d'argent. Il faudrait auparavant discuter des responsabilités.

L'HONORABLE W. WEIR: Permettez-moi de dissiper un malentendu, monsieur le premier ministre. Je ne suis pas ici pour essayer de faire main basse sur le trésor fédéral. Il y a belle lurette que le gouvernement fédéral lui-même pige à deux mains dans notre propre trésorerie, mais tel n'est pas le but de mon propos.

Nous en sommes à un point fixe. Considérons-donc cette position, avant que des changements arbitraires ne soient apportés.

LE TRÈS HONORABLE P.E. TRUDEAU: Y-a-t-il des commentaires là-dessus, soit que nous devrions geler tous nos programmes à frais partagés? Est-ce là...

L'HONORABLE W. WEIR: Non. Il s'agit plutôt de nous entendre avant d'aller de l'avant.

LE TRÈS HONORABLE P.E. TRUDEAU: Oui. Nous...

L'HONORABLE W. WEIR: Quand vous parlez de gel, vous me donnez l'impression de tendre à l'immobilisme. C'est tout à fait le contraire de ma pensée.

J'estime qu'avant de progresser, avant d'apporter certains changements, nous devons nous consulter mutuellement, en discuter, et obtenir un degré raisonnable d'assentiment.

LE TRÈS HONORABLE P.E. TRUDEAU: Cette proposition me semble tout à fait raisonnable.

Il y a deux ans déjà, monsieur Sharp, alors ministre des Finances au sein du gouvernement Pearson, a fait savoir que nous n'allions pas nous orienter vers d'autres programmes à frais partagés parce qu'en élaborant ces programmes, nous infléchissions certaines priorités provinciales et que ceci était inacceptable du point de vue des provinces. Et, au cours de cette même conférence

programmes périmés que nous pourrions abandonner. Le gouvernement fédéral peut fort bien estimer qu'un programme est dépassé dans certaines régions du pays, alors qu'il est loin de l'être dans certaines autres régions qui auraient à souffrir du désistement d'Ottawa et à imposer de nouveaux impôts pour bénéficier du programme qu'on offre en remplacement de l'ancien. J'estime que nous avons, en l'occurrence, une responsabilité conjointe. Au fur et à mesure que nous progressons, nous devons prévoir les retentissements de nos initiatives sur tous les autres.

Je ne dis pas que nous devrions rester les bras croisés. Si nous voulons avancer dans la voie du progrès social et économique, nous devons laisser tomber certaines politiques, certains programmes périmés. C'est de cette façon que nous pourrions progresser. Mais nous ne pouvons faire des bonds en avant sans couper d'abord certaines de nos chaînes.

Autrement, nous accumulerions impôt sur impôt. A mon avis, pour un pays de vingt millions d'habitants et, plus particulièrement, pour une province d'un million de population, il importe au plus haut point de pouvoir soutenir la concurrence sur les marchés mondiaux. Et le coût des services publics que nous assurons est un élément intégral de nos coûts de production.

Je préfère voir des produits portant l'étiquette "Fabriqué au Manitoba" sur les étagères des marchands de la province de John Robarts que sur celles de ma propre province.

Il faut penser en fonction du continent nord-américain. Nous sommes un million sur un continent de 220 millions d'habitants. Nous devons soutenir la concurrence à deux égards: les prix et la qualité.

La qualité ne pose pas de problème, mais nous commençons à avoir peine à soutenir la concurrence des prix. Et je crains fort que les perspectives de notre commerce s'assombrissent si nous continuons sans vergogne à offrir des services publics de plus en plus coûteux sans prendre le temps de réfléchir ensemble, de faire le point.

Avant que nous nous lancions dans un débat sur la question, j'aimerais, si la chose est possible, que nous examinions ensemble le sort du contribuable canadien aujourd'hui et au cours des dix prochaines années. J'estime qu'il est opportun de faire un effort concerté afin de voir s'il n'est pas possible de nous entendre sur les sommes que nous pouvons extraire des goussets des contribuables pour financer les services publics, et mettre fin ainsi à la surenchère à laquelle nous livrons et qui ne fait qu'alourdir le fardeau de chacun.

Je reprends la proposition que j'avais formulée hier, savoir que nous pourrions nous entendre sur une réunion des ministres des Finances, en temps opportun, le plus tôt serait le mieux; nous pourrions aussi convenir qu'au chapitre de l'impôt direct, le gouvernement du Canada se gardera de faire d'importantes innovations dans le domaine des programmes à frais partagés, qu'il ne se retirera pas des programmes existants, et qu'il n'imposera pas de nouvelles taxes pour des programmes de ce genre sans avoir, au préalable, bien consulté les provinces. J'estime que nos inquiétudes à ce sujet sont justifiées. Je crois que nous partageons les mêmes vues et qu'il ne reste, au fond, qu'à faire disparaître les aspérités.

J'aimerais qu'on en vienne à quelque forme d'accord là-dessus pour le moment. J'aurais d'autres vues à exposer sur les problèmes à long terme. J'ai même toute une liste de réclamations en poche. Mais j'aimerais qu'on mette à l'essai ma proposition pour voir ce qui en résultera.

LE TRÈS HONORABLE P.E. TRUDEAU: Fort bien. Pour-
cons-nous avoir vos commentaires sur cette proposition,
soit, fondamentalement, que le gouvernement fédéral
s'abstienne de conclure toute nouvelle entente de partage
fiscal et d'initier tout nouveau programme à frais
partagés?

L'HONORABLE W. WEIR: Ce n'est pas ce que j'ai dit.
J'ai dit que le gouvernement fédéral ne devrait pas
prendre d'initiative de ce genre -- se retirer d'un pro-
gramme, par exemple -- sans avoir auparavant consulté les
provinces et obtenu un degré raisonnable d'assentiment.
J'ai l'impression que nous sommes tous à la recherche de

fédéral, soit de ses responsabilités envers l'ensemble de la population. Permettez-moi d'évoquer un grand homme d'Etat, originaire, sauf erreur, de la province du Manitoba. Il fut nommé ministre sous un régime libéral à Ottawa.

Il devint ensuite l'un des membres les plus distingués du Sénat. Il était centralisateur il y a 40 ans, il y a 30 ans, il y a dix ans, et encore il y a cinq ans. Il s'agit de feu le sénateur Orer. Il y a deux ans, le gouvernement fédéral avait maintenant trop de chats à fouetter. Car, raisonnablement, le Canada a atteint sa maturité et doit jouer un rôle international; il a une mission à remplir au sein des Nations-Unies et des organisations de ce genre; il doit s'occuper du commerce extérieur et de nos rapports avec les autres pays. Ainsi, le gouvernement fédéral devrait s'occuper de nos relations étrangères, de tous ces traités que nous signons avec d'autres pays, de la monnaie nationale, de la réglementation de la banque centrale et des banques à charte du Canada, et de toutes ces questions d'intérêt général. Quant à la santé, au bien-être et à l'éducation, ce sont des questions qui devraient être de la compétence des provinces ou des régions.

LE TRÈS HONORABLE P.E. TRUDEAU: Nous voyons fort bien l'importance de ce sujet, monsieur le premier ministre. Toutefois, nous étions convenus hier que la séance de ce matin ne serait pas consacrée à la répartition générale des compétences, -- ce dont vous parlez en ce moment, -- ni à la question de savoir si le gouvernement fédéral devrait être nanti de tel ou tel pouvoir. Le débat devait porter sur les problèmes d'ordre fiscal et le pouvoir de dépenser.

Je ne veux pas me servir du marteau du Président et contrecarrer les vœux de la Conférence. Je n'entends pas imposer mes vues, monsieur le premier ministre. Je me contente de formuler une suggestion.

L'HONORABLE W. WEIR: J'aimerais savoir où nous en sommes précisément. Nous semblons discuter d'une situation provisoire. Si nous en sommes au financement à long terme, j'aimerais exposer certaines opinions là-dessus.

LE TRÈS HONORABLE P.E. TRUDEAU: Vous voulez, monsieur le premier ministre Bennett, que nous convenions que le gouvernement fédéral n'a le droit de prélever aucun impôt? Vous voulez que nous entendions d'abord là-dessus?

L'HONORABLE W.A.C. BENNETT: Non. Mais je voudrais que vous n'ayez pas le droit de vous mêler de tout et de de rien. C'est aussi simple que cela. Vous pourriez être habilité à vous mêler de tout, mais selon des modalités précises.

LE TRÈS HONORABLE P.E. TRUDEAU: Fort bien. Nous y consentons. De toute façon, nous ne nous occupons pas de l'impôt sur la propriété à l'heure actuelle.

L'HONORABLE W.A.C. BENNETT: Entendons-nous d'abord là-dessus.

LE TRÈS HONORABLE P.E. TRUDEAU: Fort bien.

L'HONORABLE W.A.C. BENNETT: Puis nous pourrions nous entendre sur les détails.

LE TRÈS HONORABLE P.E. TRUDEAU: Quels détails? Voulez-vous que nous délaissions tous les impôts directs et que nous mobilisions complètement nos fonds à partir des impôts indirects; est-ce là votre proposition?

L'HONORABLE W.A.C. BENNETT: J'aimerais avoir une

discussion à ce sujet avec les autorités fédérales. J'aimerais que nous discussions des responsabilités que le gouvernement fédéral devrait assumer envers la population. Puis nous définirions les champs d'imposition auxquels vous auriez accès, c'est-à-dire qui sont disponibles à tous les Canadiens par l'entremise du gouvernement national. Quelles devraient être les responsabilités, et je ne pense pas que nous puissions les définir avant de commencer à déterminer sur quoi nous nous entendons...

LE TRÈS HONORABLE P.E. TRUDEAU: Les responsabilités? Vous voulez donc que nous discussions de la répartition des compétences avant d'aborder l'imposition. Malheureusement, ce n'est pas ce dont nous avions convenu hier. L'HONORABLE W.A.C. BENNETT: Il ne s'agit pas tant des pouvoirs que des responsabilités du gouvernement

éliminons cet élément des pouvoirs d'imposer que détient le gouvernement fédéral.

LE TRÈS HONORABLE P.E. TRUDEAU: En d'autres termes, vous proposez que le gouvernement fédéral ne soit pas habilité à prélever des impôts directs, n'est-ce pas?

L'HONORABLE W.A.C. BENNETT: C'est exact.

LE TRÈS HONORABLE P.E. TRUDEAU: Ou, tout simplement, l'impôt sur le revenu?

L'HONORABLE W.A.C. BENNETT: Je suis d'avis que nous devrions rayer cette disposition qui permet au gouvernement fédéral de mobiliser des fonds par n'importe quelle forme ou régime d'imposition. Bifions cette disposition. Nous définirons ensuite les formes d'imposition, mais sans cette disposition générale qui permet au gouvernement fédéral de faire tout ce qu'il veut et quand il le veut.

LE TRÈS HONORABLE P.E. TRUDEAU: Et quelle définition suggérez-vous?

L'HONORABLE W.A.C. BENNETT: Entendons-nous d'abord sur le fait que nous bifferons cette disposition générale, et ensuite nous étudierons la question point par point.

LE TRÈS HONORABLE P.E. TRUDEAU: Eh bien, de l'avis du gouvernement fédéral, toute la constitution n'est qu'un amas de glaise qu'il faut modeler, si vous me permettez cette expression...

L'HONORABLE W.A.C. BENNETT: Il ne s'agit pas d'une expression, mais bien d'une définition.

LE TRÈS HONORABLE P.E. TRUDEAU: Aux fins de la discussion, je concède que nous sommes disposés à rayer cette disposition de la constitution, et à discuter d'une disposition de rechange, pour peu que nous puissions nous entendre sur ce qui remplacera ce que nous avons éliminé.

L'HONORABLE W.A.C. BENNETT: Oui. Mais réglons d'abord cette question. Convenons d'abord de cela, à titre provisoire, car nous ne pourrions tout de même pas nous entendre sur la constitution considérée comme un tout.

Il a déclaré alors qu'il s'agissait là d'une prérogative provinciale, et non fédérale, et qu'on aviserait à la fin de la guerre. A l'occasion de la deuxième grande guerre, le gouvernement fédéral a occupé ce champ d'imposition en entier. Au cours de l'après guerre, le Canada a traversé une période d'expansion inégale et les recettes en provenance de l'impôt sur le revenu se sont considérablement accrues. Au lieu de céder ce champ d'imposition qui revient légitimement aux provinces, les autorités fédérales ont continué à garnir leur caisse. Elles ont continué d'assumer ce pouvoir provincial, et c'est pour ce qu'on nous avons autant de problèmes avec la province de Québec. A cet égard, la Colombie-Britannique se rallie à l'opinion du Québec. Voilà la racine de nos difficultés d'ordre constitutionnel, et c'est à quoi il nous faut nous attaquer. Permettez-moi de vous exposer comment nous envisageons la situation. A la page 25 du fascicule intitulé "l'Acte de l'Amérique du Nord Britannique, 1867-1967", on trouve énumérées les compétences du gouvernement fédéral.

(91) 1A. La dette et la propriété publique. Aucun problème particulier ne se pose ici.

2. La réglementation des échanges et du commerce. Toujours pas de problème.

2A. L'assurance-chômage. Aucun problème non plus, puisque les Canadiens ont le droit de se déplacer à travers le pays. C'est le troisième point qui cause toutes les difficultés.

3. Le prélèvement de deniers, par tous modes ou systèmes de taxation.

Voilà où le gouvernement national a commis des abus et voilà d'où viennent toutes nos difficultés. Les gouvernements provinciaux ne peuvent être sûrs d'aucun revenu lorsque l'administration fédérale possède ce pouvoir: même l'impôt municipal sur la propriété n'est plus sans danger. Aucune assiette fiscale n'est alors le privilège des provinces, des municipalités et des villes, à l'exclusion du gouvernement fédéral. Voyez plutôt: Sir Thomas White déclare qu'il s'agit d'un champ d'imposition provincial mais le gouvernement fédéral refuse de le céder. Voilà la racine du mal et, en ma qualité de premier ministre de la Colombie-Britannique, je propose que nous

Ce sont là des questions difficiles, mais il faut les attaquer de face. Si nous ne pouvons les régler ce matin, je suppose que nous devons demander à nos fonctionnaires de nous préparer une autre réunion.

Je consens volontiers à discuter des restrictions des pouvoirs de dépenser, et je suis sûr que vous n'y voyez pas d'objections. Mais nous voudrions savoir comment vous voulez que le gouvernement fédéral exerce ce pouvoir à l'avenir. Nous ne pouvons pas défaire l'échec du passé. Ce pouvoir est exercé depuis un siècle et, même si nous allons sans doute revenir sur certains des anciens programmes, j'espère que nous tâcherons d'orienter notre activité dans l'intérêt du peuple canadien et dans l'optique d'une révision constitutionnelle. Nous voudrions savoir comment les provinces veulent que nous utilisions ce pouvoir de dépenser parce que nous voulons bien faire. Nous aimerions avoir un gouvernement pourvu de mécanismes satisfaisants de consultation et de communication, et nous voulons instamment trouver les moyens de définir les règles du jeu. Les règles du jeu, ce n'est autre chose que la constitution.

Ceci dit -- et j'espère que je n'ai pas abusé de mes fonctions de Président -- j'aimerais qu'un des premiers ministres provinciaux ouvre le débat sur cet épineux problème qu'est la question des pouvoirs d'imposer et de dépenser.

Monsieur Bennett?

L'HONORABLE W.A.C. BENNETT: Ce n'est pas avant tout le pouvoir de dépenser qui est en question, mais bien le pouvoir d'imposer, le pouvoir d'obtenir des revenus au moyen des impôts. S'il a de l'argent en caisse, le gouvernement fédéral le dépensera, même dans des secteurs d'activité qui ne relèvent pas de sa compétence: tel est le problème qui ronge la Confédération. Ce problème n'est pas vieux d'un siècle, il remonte à la première grande guerre. Sir Thomas White, qui était alors ministre des Finances, s'est aventuré pour la première fois dans le champ de l'impôt sur le revenu. Il n'y a pas cent ans de cela.

Il ne faut pas oublier un fait important: une bonne part des impôts perçus par le gouvernement fédéral (environ vingt pour cent) est remise aux provinces. Donc, nous devons essayer de déterminer -- et je répète qu'il ne faut pas perdre de vue l'aspect constitutionnel -- comment réaliser l'équilibre entre les recettes et les dépenses de chaque gouvernement. Et cette recherche d'équilibre ne doit pas se limiter à la conjoncture actuelle: elle doit s'insérer dans une perspective d'avenir.

La deuxième question qui nous préoccupe, c'est le pouvoir de dépenser. On ne relève pas l'expression telle quelle dans le texte de la constitution, mais nous savons tous que le pouvoir de dépenser constitue une prérogative qui n'est pas seulement le fait du gouvernement fédéral, mais aussi des provinces.

Le gouvernement fédéral a exercé son pouvoir de dépenser avec des programmes tels que l'assurance hospitalisation, l'assurance sociale aux termes de la Loi sur l'assistance sociale du Canada, l'assurance médicale, les programmes de santé et plusieurs autres que j'ai cités hier en exemple. C'est en vertu de ce pouvoir de dépenser que ces programmes ont vu le jour par l'entremise du gouvernement fédéral.

Selon la façon dont nous avons interprété la constitution, ces programmes doivent être autorisés législativement et administrés par les provinces, mais le gouvernement fédéral peut leur accorder des subventions. C'est ainsi que trente pour cent de l'ensemble des revenus provinciaux émane du gouvernement fédéral. Le problème d'ordre constitutionnel qui se pose est donc, à mon sens, de savoir si le Parlement du Canada devrait détenir ce pouvoir de dépenser aux termes de la constitution, et, dans l'affirmative, s'il ne devrait pas être réglé. Doit-on seulement l'exercer pour corriger les inégalités régionales, l'employer pour faire des versements de péréquation, ou peut-on l'appliquer à des secteurs qui empiètent sur les compétences provinciales? Devons-nous l'exercer seulement en consultation avec les provinces, et alors, faudra-t-il l'opinion unanime des autorités provinciales, une opinion majoritaire, ou quoi encore?

répartition des compétences, y compris les aspects constitutionnels des pouvoirs d'imposer et de dépenser. Je crois comprendre que la discussion portera essentiellement sur les pouvoirs d'imposer et de dépenser et que nous n'aborderons pas ce matin le champ plus vaste de la répartition des compétences proprement dite.

Bien entendu, je ne veux pas restreindre le débat, mais en débordant le cadre précité, on réduira la durée de la discussion sur l'aspect financier qui devrait, à mon sens, être aussi exhaustive que possible. Par conséquent, nous allons surtout nous en tenir ce matin aux pouvoirs d'imposer et de dépenser; je vais inviter l'un des premiers ministres qui désire soulever la question à bien vouloir amorcer le débat. En ma qualité de Président, je me dois de vous rappeler que nous devons tâcher de ne pas perdre de vue l'aspect constitutionnel. Peut-être serait-il opportun de rappeler les dispositions constitutionnelles intéressant le pouvoir d'imposer et le pouvoir de dépenser. Au sujet du pouvoir d'imposer, la constitution n'autorise les provinces qu'à prélever des impôts directs. C'est-à-dire, au niveau des particuliers, l'impôt sur le revenu, l'impôt sur la vente au détail, l'impôt sur l'essence et sur les boissons alcoolisées, l'impôt sur la propriété et l'impôt sur le revenu des sociétés. Il y a d'autres impôts, bien sûr, mais c'est surtout sous cette forme qu'ils se présentent au citoyen moyen. Tel est le principal secteur où les gouvernements provinciaux peuvent exercer leur pouvoir constitutionnel d'imposer.

Le Gouvernement fédéral dispose aussi de tous ces impôts, même s'il n'en prélève aucun sur la propriété, mais il a aussi les taxes indirectes, qui, dans la pratique, correspondent aux droits de douane (tarifs douaniers), et à la taxe de vente indirecte perçue du fabricant.

La constitution prévoit donc que le Gouvernement fédéral et les gouvernements provinciaux ont le pouvoir d'appliquer les principaux impôts, soit ceux qui frappent le revenu, la propriété et la vente.

Le Gouvernement fédéral perçoit un peu plus de la moitié de ces impôts, et les provinces perçoivent le reste.

TROISIEME SEANCE: MARDI MATIN

LE TRÈS HONORABLE P.E. TRUDEAU: Je voudrais vous souhaiter la bienvenue à la Conférence fédérale provin-

cialle.

Je pense qu'après les efforts de la nuit, il convient que nous parlions des ordres du jour.

Nous étions convenus hier après-midi en se quittant, de traiter ce matin des items 4), la distribution des pouvoirs, mais surtout sous l'aspect fiscalité et pouvoirs de dépense et 4 e), des inégalités régionales. Et cet après-midi nous étions convenus de traiter de 4 a) et b), les langues officielles et les droits fondamentaux, de sorte que si l'un ou l'autre des sujets n'était pas terminé cet après-midi, nous pourrions les continuer demain. Si, évidemment, la discussion se termine plus tôt que prévu, on passera automatiquement à l'item suivant.

(TRADUCTION)

Avant d'ouvrir les délibérations, j'aimerais faire une proposition. Voici: si les chefs des divers gouvernements y consentent, le Comité permanent des fonctionnaires pourrait se réunir pendant l'heure du déjeuner, soit à midi et demie lorsque nous lèverons la séance, pour examiner un certain nombre de propositions et de contre-propositions. Cela permettrait aux chefs de gouvernement, lorsqu'ils s'entendront sur une question, d'avoir un texte devant eux, par exemple, si nous décidons de renvoyer tel ou tel sujet au Comité permanent des fonctionnaires ou à un Comité de ministres, comme l'a suggéré le premier ministre Weir. Le Comité pourrait fort bien préparer un projet de texte sur les divers articles de l'Ordre du jour et, sans pour autant nous dicter les conclusions que nous allons tirer, prévoir les diverses conclusions possibles. J'ai l'impression que cela accélèrera notre travail.

Si tout le monde y consent, je vais demander aux fonctionnaires fédéraux de prendre les dispositions qui s'imposent pour se réunir à l'heure du déjeuner avec les délégués des provinces au Comité permanent des fonctionnaires.

Venons en aux articles de l'Ordre du jour prévus pour la séance de ce matin, soit 4 c) et 4 e), la

TROISIÈME SÉANCE MARDI MATIN
Ottawa, le 11 février 1969

L'HONORABLE W. WEIR: Pourriez-vous me dire quand nous pourrions discuter des problèmes immédiats?

LE TRÈS HONORABLE P.E. TRUDEAU: Nous sommes prêts à discuter de tous les aspects de la situation demain matin, monsieur le premier ministre Weir. Je crois qu'il serait peut-être utile aussi que nous essayons de penser à ce problème en termes constitutionnels.

L'HONORABLE W. WEIR: Monsieur le premier ministre, tout ce que je demande, c'est que nous arrivions à un moment où à un autre à une conclusion à ce sujet. L'an dernier, je me suis laissé faire alors que je voulais la mise sur pied d'un comité de ministres. Je vois donc que je dois continuer à insister car, si je ne le fais pas, nous n'en discuterons jamais. Je ne permettrai pas que ceci se produise cette année.

LE TRÈS HONORABLE P.E. TRUDEAU: C'est justement pourquoi je dis que nous pourrions en discuter dans la matinée plutôt que durant l'après-midi, si c'est le désir de la Conférence.

Nous sommes d'accord?

PLUSIEURS VOIX: Nous sommes d'accord.

LE TRÈS HONORABLE P.E. TRUDEAU: La Conférence est ajournée à demain matin, dix heures.

La Conférence est donc ajournée jusqu'à dix heures du matin, mardi le 11 février 1969.

moment où nous mettrons en vigueur certains changements constitutionnels.

LE TRÈS HONORABLE P.E. TRUDEAU: Qu'en pensez-vous? Allons-nous commencer par 4 (a) et 4 (b) pour continuer avec 4 (c) et 4 (d) dans l'après-midi ou ferons-nous le contraire? L'HONORABLE BERRAND: Est-ce que je dois comprendre, monsieur le président, que le problème soulevé par monsieur Weir était un problème immédiat, celui qu'on a appelé "short term", est-ce que ce problème-là serait examiné demain matin? Est-ce que c'est l'opinion que vous avez exprimée?

LE TRÈS HONORABLE P.E. TRUDEAU: Mon opinion à moi, c'était d'examiner demain matin: A et B "Les langues officielles et les droits fondamentaux". Et, dans l'après-midi: 4 (c) "Les questions fiscales et les partages de pouvoir de compétence", et 4 (d) sur les disparités régionales, puisque le premier ministre Bennett a suggéré d'inverser l'ordre, et je suis disposé, si vous voulez faire à jeun demain matin, parler de finances plutôt que de langues, ça nous est égal.

L'HONORABLE BERRAND: N'importe quand. Surtout que nous avons nos ministres des Finances avec nous. Ils sont en train de préparer leur budget, et aucun doute que ça les intéresse beaucoup de savoir si dans l'immédiat, malgré les propos que vous avez tenus à l'effet que c'est aux provinces de se taxer, il y a encore espoir que nous pourrions obtenir du gouvernement fédéral des points d'impôts afin de permettre à nos ministres des finances de mieux répondre aux exigences de leurs provinces, et de mieux balancer le budget. Alors, que ce soit demain matin ou demain après-midi, quant à moi, monsieur le président, je n'ai aucune objection.

LE TRÈS HONORABLE P.E. TRUDEAU: Nous sommes donc d'accord sur la procédure à suivre; mais, il reste toujours à décider si nous allons commencer par la question financière pour prendre les autres questions dans l'après-midi ou vice versa. Pourrais-je avoir une opinion à ce sujet?

L'HONORABLE W.A.C. BENNETT: Nous parlerions de la question financière à l'intérieur de la constitution, et non des problèmes immédiats, n'est-ce-pas?

LE TRÈS HONORABLE P.E. TRUDEAU: C'est bien cela. Et bien, si nous sommes d'accord...

de cette question, à condition évidemment que nous ne nous soyons pas mis d'accord d'ici demain.

L'HONORABLE W. WEIR: Je ne sais pas si je comprend bien votre suggestion. Vous suggérez que nous discussions des problèmes à long terme, et non des problèmes immédiats.

LE TRÈS HONORABLE P. E. TRUDEAU: Et bien...

L'HONORABLE W. WEIR: Je crois que nous visions les mêmes objectifs. Je serai le dernier à vous critiquer parce que vous essayez d'équilibrer votre budget et d'instaurer un certain contrôle, parce que je crois que se sont là des mesures nécessaires. Ce qui m'inquiète, c'est qu'un de vos gestes ait comme conséquence un niveau d'imposition plus élevé, c'est-à-dire qu'il n'y ait pas de réduction d'impôts mais bien un surcroît d'impôts.

Je crois que nous irons tout deux à l'encontre de nos vrais objectifs si ne nous mettons pas d'accord maintenant.

Nous avons des responsabilités communes, qui nous ont été dévolues depuis un certain nombre d'années. Nous avons accès aux mêmes champs d'imposition. Le gouvernement du Canada occupe toujours le champ des impôts indirects et dans ce domaine il peut agir à sa guise, sans consulter les provinces. Je crois vraiment que si nous pouvions discuter du champ des impôts directs, -- vous seriez évidemment toujours libres de procéder à votre guise. -- Il y aurait cependant eu certaines consultations, nous aurions alors la possibilité de nous préparer à l'avance.

Je crois que les Canadiens tireraient profit de telles consultations. Je crois qu'il serait peut-être surprenant de voir jusqu'à quel point nous réussirions dans ce domaine si nous y travaillions ensemble.

LE TRÈS HONORABLE P. E. TRUDEAU: Je crois que nous serions d'accord avec cela. Si l'on essayait de discuter tout ceci pendant quelque temps demain, plutôt que d'aborder le sujet aujourd'hui. Je suis sûr que vous n'aurez pas d'objection à ce que nous continuions cette discussion demain matin ou demain après-midi, selon que nous déciderons de commencer par 4 a) et 4 b), ou par 4 e) et 4 c).

L'HONORABLE W. WEIR: Monsieur le premier ministre, tout ce que j'essaie d'obtenir c'est la possibilité de discuter de ce qui se passera entre ce moment-ci et le

cette Conférence, afin de discuter des questions urgentes qui nous préoccupent tous. Il faudrait que le gouvernement fédéral soit prêt à discuter de ces questions en toute liberté. Deuxièmement, le gouvernement fédéral devrait déclarer que durant l'interim il ne grèvera l'assistance fiscale commune d'aucun nouvel impôt, sans qu'auparavant il y ait des discussions sérieuses au niveau ministériel et un accord général des provinces. Il devrait aussi accepter de ne pas mettre sur pied durant cette période de nouveaux programmes à frais partagés, sans qu'il y ait d'abord cette même consultation et ce même accord. Il ne faudrait pas non plus qu'il se retire des programmes existants sans en discuter avec les provinces et sans qu'il n'ait été arrivé à un accord général. Chaque gouvernement provincial essaie de préparer son budget et doit pouvoir compter sur certains revenus pendant une période de temps donnée. Si je peux me servir d'une phrase qui est répétée souvent ici, je dirais que nous avons besoin de cette démocratie de participation si nous voulons discuter sérieusement de nos problèmes à long terme.

LE TRÈS HONORABLE P.E. TRUDEAU: Je crois que si nous étions d'accord avec tout cela, nous n'aurions probablement pas besoin de discuter mais nous n'aurions peut-être pas non plus de gouvernement central. Je crois qu'il pourrait être utile, monsieur le premier ministre Weir, de passer quelques heures à discuter de ces questions. Vous pourriez nous expliquer votre point de vue et les autres chefs de gouvernements provinciaux pourraient en discuter. Nous pourrions nous mettre d'accord dès maintenant sur l'opportunité de convoquer une réunion des ministres des Finances, dès que les provinces y seront disposées, ou même des ministres chargés du développement régional, ou de tous les autres ministères responsables des questions qu'il nous semblerait utile de discuter.

Avant tout, nous sommes prêts à coopérer avec les provinces. Si nous avons fait des erreurs dans le passé, ce n'est pas par mauvaise volonté; c'est plutôt parce que nous nous trouvons dans un domaine où la consultation se trouve être beaucoup plus essentielle qu'elle ne l'était auparavant.

J'estime que nous devrions peut-être nous dire ces choses, afin de déterminer sur quoi nous sommes d'accord et sur quoi nous sommes en désaccord. Nous pourrions alors profiter de votre suggestion et renvoyer toute la question à un comité fédéral-provincial des ministres des Finances, qui serait chargé de discuter des aspects constitutionnels

alors de la procédure à suivre dans l'avenir.

Nous n'avons aucune objection à modifier cet ordre, si c'est ce que nous voulez.

Monsieur le premier ministre Bennett?

L'HONORABLE W.A.C. BENNETT: 4 c) devient 4 a)? Nous ne ferions que changer l'ordre?

LE TRÈS HONORABLE P.E. TRUDEAU: Vous voudriez commencer demain matin avec les articles 4 c) et 4 e)? Et demain après-midi nous discuterions de 4 a) et 4 b)? Si la majorité des participants sont de cet avis, je n'y vois aucun inconvénient. Je crois que nous voulons tous discuter de ces questions en temps et lieu et que nous sommes préparés ...

L'HONORABLE W. WEIR: La correspondance que je vous ai adressée n'était vraiment pas reliée à notre Ordre du jour. En effet, je crois que si nous envisageons les problèmes à long terme, cet ordre du jour est satisfaisant. De plus, l'ordre dans lequel nous traiterons des divers sujets m'importe peu.

J'ai essayé d'expliquer, dans mon allocution d'ouverture, mes inquiétudes au sujet de l'application des arrangements constitutionnels actuels. Je crois que vous avez là, monsieur le président, une occasion d'agir dans une perspective à court terme, ce qui serait un bon début de révision constitutionnelle.

J'ai déjà fait remarquer que nous aurions tous à faire preuve de bonne volonté. Je suis intéressé à l'avenir, mais je suis inquiet quand à nos relations entre-temps. Je serais satisfait de l'Ordre du jour actuel si le gouvernement fédéral était prêt à faire une communication au peuple canadien, - elle n'a pas à nous être adressée, elle pourrait être adressée directement au peuple canadien - parce que je crois que le niveau des impôts est pour eux un facteur d'inquiétude.

Pour nous permettre d'arriver à une discussion utile sur les problèmes à long terme de la Confédération, il faudrait d'abord que le gouvernement fédéral accepte certaines choses. Premièrement, il faudrait que le gouvernement fédéral déclare au peuple canadien qu'il convoquera le plus tôt possible une conférence des ministres des Finances, qui pourrait être un comité de

Il nous reste donc l'article 2 a), qui est une discussion générale des objectifs de la Conférence constitutionnelle. Nous voudrions probablement discuter alors de notre programme pour les jours à venir, c'est-à-dire de l'ordre du jour de cette réunion.

Si je peux me permettre d'exprimer rapidement mon point de vue à ce sujet, compte tenu des déclarations provinciales et de la correspondance que nous avons échangée, il me semble que tous insistent pour que nous traitions des sujets suivants:

Article 4 a), langues officielles;
 article 4 b), droits fondamentaux;
 article 4 c), répartition des compétences
 (y compris les pouvoirs d'imposer et de dépenser
 au point de vue constitutionnel);
 et, article 4 e), disparités régionales.

Vous aurez sans doute remarqué que l'ordre de ces questions est celui qui a été proposé par la Conférence de février dernier. Nous ne l'avons pas modifié, sauf pour insérer à l'article 4 c) la question des pouvoirs d'imposer et de dépenser.

Je voudrais faire la suggestion suivante, sans toutefois prétendre limiter la discussion. Nous pourrions laisser tomber l'article 3, article qui pourrait donner lieu à une discussion très utile mais que nous pourrions probablement remettre à plus tard, et faire en sorte que nous puissions discuter des articles 4 a), b), c), et d). Une façon de s'en assurer serait de voir 4 a) demain matin et ensuite 4 b). Si nous n'avons pas terminé à la levée de la séance demain midi nous pourrions alors, s'il ne nous restait qu'à mettre le point final à la discussion, terminer ce sujet dans l'après-midi. Il serait probablement préférable de reporter cette question au lendemain dans la matinée et de commencer de suite la discussion de l'article 4 c). Ensuite, nous passerions à l'article 4 e) et, encore une fois, si cela n'était pas terminé, nous pourrions remettre le tout au lendemain matin.

Mercredi matin nous aurions donc à terminer la discussion sur les articles 4 b), droits fondamentaux, et 4 e), disparités régionales. Ensuite, nous pourrions discuter de l'article 3, objectifs de la Confédération, ainsi que des articles 4 d), réforme des institutions relatives au fédéralisme, 4 f) et 4 g). Nous reviendrions ensuite à l'article 2 c), c'est-à-dire que nous discuterions

L'HONORABLE A.B. CAMPBELL: Je vous le dirai demain.

L'HONORABLE J.R. SMALLWOOD: Nous voulons un gouvernement central fort et tout ce qui mène à cela sera

appuyé par la grande province de Terre-Neuve.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci beaucoup,

Monsieur Smallwood.

En ma qualité de Président de la Conférence, je veux remercier tous les chefs de gouvernement de leurs allocutions d'ouverture qui, j'en suis certain, nous seront très utiles. Il est évident que nous partageons tous le même idéal, celui d'être au service du Canada et de ses citoyens. Je crois que notre facilité à exposer nos divers points de vue et à exprimer d'une façon directe nos objectifs, avec ou sans l'aide de cartes géographiques, simplifiera les choses lorsque nous aborderons, demain, les divers articles de l'Ordre du jour.

Quoique nous devons lever la séance à cinq heures, je crois qu'il pourrait être utile de consacrer quelques minutes maintenant à l'étude de l'Ordre du jour, afin que nous puissions commencer demain matin avec un schéma qui pourrait alors être discuté.

Je vous reporte à l'Ordre du jour qui apparaît à la première page du volume du rapport du Comité.

Nous commencerons d'abord par l'article 2. Je crois que nous pouvons disposer de 2 h dans quelques secondes. Il y a déjà une semaine que vous avez reçu le rapport du Comité permanent, soit probablement lundi dernier. Il n'est donc pas nécessaire d'en faire le dépôt sur le bureau. Chacun de vous a sa copie de ce rapport, même s'il ne l'a pas encore lue.

L'article 2 c peut très bien être remis à mercredi après-midi. Il s'agit de la procédure à suivre pour la révision de la constitution.

Après avoir discuté les autres questions à l'Ordre du jour, nous devons décider de la mise sur pied de divers comités, ou sous-comités, de premiers ministres, de ministres ou de fonctionnaires afin d'assurer la continuation du processus de révision.

économiques et fiscales entre les provinces et entre les régions du Canada, ainsi qu'entre les diverses parties d'une même province. A notre avis, c'est là le grand problème.

Je sais que ceci est à l'Ordre du jour et j'espère bien avoir l'occasion de pouvoir en reparler lorsque nous discuterons de cette question plus tard.

En conclusion, je dirais qu'à Terre-Neuve nous voulons qu'il y ait à Ottawa un Parlement et un gouvernement qui ont les moyens et l'autorité nécessaires pour assurer la croissance et le développement du Canada tout entier, ainsi que pour aider financièrement les provinces qui en ont besoin pour croître et se développer.

Si Terre-Neuve a un besoin immédiat, non pas un besoin dans 25 ou 50 ans, mais un besoin dans l'avenir immédiat, où devra-t-on s'adresser? Au gouvernement de l'Ontario? Au gouvernement du Manitoba? Au gouvernement de la Colombie-Britannique? Irons-nous au gouvernement du Québec? Ou au gouvernement de l'Alberta? Nous nous adresserons au gouvernement canadien car c'est ici notre pays, c'est ici notre capitale nationale, c'est ici le gouvernement de notre grande nation: Ottawa. C'est ici que se trouvent le Parlement et le gouvernement du Canada.

Ca ne sert à rien d'aller ailleurs et même ça ne servirait à rien d'aller à Ottawa si le gouvernement canadien n'avait pas l'autorité et les moyens de nous aider. C'est là un simple problème d'arithmétique. C'est pourquoi les provinces que l'on appelait anciennement les "provinces qui n'ont rien" ne sont plus dans cette situation en ce moment. Quoi que n'ayant pas autant de ressources que d'autres, elles ont quand mêmes quelque chose.

Ceux qui ont moins de ressources croient à la nécessité d'un Parlement fort, d'un gouvernement fort et plein de ressources, - ressources financières et autres. Je ne sais pas si un premier ministre peut avoir ici un veto, ou dire "nyet" - est-ce bien comme ça qu'on le dit? Je ne sais pas si un autre premier ministre est prêt à le faire au cours de cette Conférence mais nous apposerions notre veto à toute proposition qui affaiblirait le Parlement ou le gouvernement du Canada. Quelqu'un a dit très sagement, je crois que c'est le premier ministre Campbell, "Nous voulons un gouvernement central fort mais non...". comment donc avez-vous dit cela, Monsieur Campbell?

sont situées au Yukon et dans les Territoires du Nord-Ouest, je lui enverrai l'addition car je veux que nous recevions compensation.

LE TRÉS HONORABLE P.E. TRUDEAU: Nous vous redonnerons un peu de fer.

L'HONORABLE J.R. SMALWOOD: Si le terrain est arpenté, nous le prendrons.

Le premier ministre Campbell, de l'Île-du-Prince-Édouard, a parlé pour nous aussi et il ne me reste que peu de choses à dire. Cependant, je ne peut pas ne pas dire, Monsieur le premier ministre, qu'il n'est pas possible de trouver quelque chose, - non, j'ai bien essayé de trouver autre chose, - qui rapportera autant en termes d'unité et de bonne entente au Canada et à un coût si peu élevé que cette proposition que vous nous avez faite d'une égalité linguistique et culturelle.

C'est là un investissement qui ne coûterait que peu d'argent. Il faudrait que nous y mettions un peu de tolérance et de bon esprit canadien. Comment pouvons-nous faire moins que cela? Voilà un investissement minime qui rapportera des dividendes nationaux considérables. C'est sûrement le fait d'un grand homme d'État. C'est sûrement là ce dont le Canada a besoin en ce moment. Et qu'arrive-t-il autrement?

Je ne peux que me demander ce que pensent les sept millions de Canadiens, répartis dans nos dix provinces, dont la langue maternelle est le français. Que pensent-ils? Que seront leurs sentiments envers un Canada qui rejetterait cette proposition raisonnable.

Je me demande ceci: si les Canadiens-français à travers le Canada ne peuvent compter au moins sur cela, alors sur quoi peuvent-ils compter? Est-ce qu'ils ne se demanderont pas fatalement cette question?

C'est là tout ce que je veux dire au sujet de la constitution. Nous y croyons, c'est une question de sentiment et une question de justice. Nous y croyons! Mais, Monsieur le premier ministre, je dois être franc et vous dire que la question qui nous préoccupe vraiment à Terre-Neuve, et je suis certain que c'est le cas pour le Nouveau-Brunswick, la Nouvelle-Écosse, l'Île-du-Prince-Édouard et peut-être même ailleurs au Canada, la question qui est vitale pour nous c'est cette question des disparités

être une expression de notre point de vue. Quelques petites choses dites par le premier ministre Bennett, disons deux ou trois pour cent, sont des choses avec lesquelles nous sommes d'accord aussi. En passant, je profite de l'occasion alors que je parle du premier ministre Bennett, il ne s'y oppose d'ailleurs pas, il m'a semblé qu'il était ennuyé par ma question...

L'HONORABLE W.A.C. BENNETT: Que non.

L'HONORABLE J.R. SMALLWOOD: Il m'a semblé ennuyé alors que j'essayais de lui accorder mon appui.

L'HONORABLE W.A.C. BENNETT: On peut se passer de certains appuis.

L'HONORABLE J.R. SMALLWOOD: Non. J'essayais de lui accorder mon appui en insérant une certaine logique dans ce qu'il avait dit.

Jé lui ai demandé si le territoire qu'il veut annexer à sa province, et le territoire qu'il veut annexer aux provinces des Prairies, n'était pas en ce moment notre propriété à tous. Je ne crois pas qu'il veuille nier ce fait. Je me demandais ce que nous recevions en compensation si la Colombie-Britannique et les provinces des Prairies prenaient à leur compte des territoires qui nous sont communs. Il a alors dit: "Vous recevez des paiements de péréquation". Vous ne voulez pas nous les enlever jé l'espère?

L'HONORABLE W.A.C. BENNETT: En fait, vous seriez peut-être capables de participer aux investissements dans cette région, investissements qui vont rapporter des centaines de millions de dollars au gouvernement fédéral, qui ensuite en dépensera la plus grande partie à Terre-Neuve.

L'HONORABLE J.R. SMALLWOOD: Les cartes que le premier ministre Bennett nous a distribuées démontrent que, dans les années allant de 1905 à 1912, des territoires communs à tout le Canada ont été donnés au Manitoba, à l'Ontario et au Québec. Ceci de toute évidence était une forme de compensation pour les terres communes que le Canada avait données à l'Alberta et à la Saskatchewan.

De toute façon, Monsieur le premier ministre, jé veux présenter ma réclamation dès maintenant. Si la Colombie-Britannique reçoit une partie de mes terres qui

Allocution d'ouverture de
L'HONORABLE J.R. SMALLWOOD

premier ministre

de

Terre-Neuve

à la

deuxième réunion

de la

Conférence constitutionnelle

Ottawa, le 10 février 1969

(TRANSCRIPTION)

Monsieur le premier ministre, ce matin vous nous avez présenté avec beaucoup d'éloquence ce que je considère être le point de vue de Terre-Neuve. Vous l'avez fait d'une façon qui est de beaucoup supérieure à ce que je pourrais faire, que j'ai presque envie de m'arrêter tout de suite. Pourtant je ne le ferais pas. Je ne crois pas avoir jamais lu ou entendu une définition aussi éloquente d'une constitution que celle que l'on trouve au début de votre discours.

Je dois reconnaître que je me rends mieux compte maintenant de la signification de la constitution du pays. Un tel document a beaucoup plus d'importance que nous ne lui en accordons normalement.

Je vais essayer d'ajouter quelque chose à ce que l'on dit aujourd'hui au sujet de la réforme constitutionnelle. Je suis d'accord avec ce que vous avez dit. Le premier ministre Smith a exprimé au nom de la Nouvelle-Écosse, des sentiments qui sont à peu près les mêmes que ceux de Terre-Neuve. Il a parlé pour nous. Il en a été de même pour le premier ministre Robichaud. Ce sont là des expressions presque parfaites du point de vue de Terre-Neuve sur ces questions.

Quelques-unes des choses que le premier ministre Weir a dit, en fait plusieurs de ces choses, pourraient

Allocution d'ouverture de
L'HONORABLE J.R. SMALLWOOD
Premier Ministre
de
Terre-Neuve
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

Sur un plan plus terre à terre, il faudra que le gouvernement fédéral apporte des modifications à l'énoncé, l'orientation, et l'application de sa politique interne et de ses décisions.

De toute façon, lorsqu'il sera question de modifier la constitution ou d'adopter une nouvelle orientation politique sur le plan interne, nous prendrons soin de nous assurer qu'on fera ainsi davantage écho aux aspirations des Canadiens de l'Ouest.

Merci, monsieur le premier ministre.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, Monsieur le premier ministre Strom.

J'invite maintenant le premier ministre Smallwood de Terre-Neuve et chef de cette délégation, de nous adresser la parole au nom de sa province.

Il est essentiel que nous participions de façon plus équilibrée aux délibérations des conseils, commissions, équipes spécialisées, etc., que le gouvernement fédéral institue et c'est notre droit. Il n'est pas dit que cela donnera des résultats positifs, mais encore faut-il que le gouvernement fédéral s'efforce de nous consulter plus souvent et plus volontiers que par le passé.

Le problème que pose la représentation équilibrée de l'Ouest ne se limite pas à une participation égale aux rouages gouvernementaux. Il importe bien plus de faire connaître aux Canadiens qui demeurent dans les provinces centrales les besoins et les aspirations de leurs concitoyens de l'Ouest.

Nous avons souvent l'impression que les organes d'information du pays et ceux des provinces centrales se soucient peu de faire écho aux points de vue de l'Ouest. Il semble bien qu'on tienne peu compte des prises de position que notre presse et autres organes d'information veulent faire connaître au pays et plus particulièrement, aux provinces centrales.

A ce sujet-là, les gouvernements sont assez impuissants à changer le cours des choses; c'est pourquoi je fais appel aux journalistes, aux commentateurs et à tous les hommes de bonne volonté du centre du Canada en vue d'améliorer le dialogue entre l'Est et l'Ouest.

Un grand nombre des points que nous avons soulevés font nettement ressortir qu'il faut à tout prix envisager sous une toute autre optique le système de répartition et tous les accords financiers conclus entre les provinces et le gouvernement fédéral. L'écart grandissant entre les ressources fiscales et les obligations financières qui échoient aux provinces devient notre plus grand sujet d'affliction.

Voici donc maintenant, en guise de conclusion et de résumé le message que je voulais livrer à la Conférence:

Nous coopérons avec le gouvernement fédéral dans toute la mesure de nos moyens en vue de mettre un terme à l'aliénation et à l'inégalité régionales, à la condition que le gouvernement fédéral et les gouvernements des provinces du Centre reconnaissent le bien-fondé des griefs de l'Ouest et prennent des mesures en conséquence.

Pour régler les problèmes qui caractérisent l'Ouest, il ne suffira pas de modifier la constitution.

Souvent, les objectifs des programmes de financement du développement, comme c'est le cas pour la loi stimulant le développement de certaines régions, sont rédigés de telle sorte que les incitations ne sont pas de nature à stimuler énergiquement le développement industriel des régions de l'Ouest. Il est rare que des consultations utiles aient eu lieu au préalable.

En résumé, nous demandons que le gouvernement fédéral fasse la distinction, ou tout au moins la démarcation, entre l'économie fondée sur le bien-être social et l'économie fondée sur le développement pour ce qui est de l'expansion régionale. Voilà donc quelques-uns des plus grands sujets de préoccupations d'ordre financier de l'Alberta. Nous demandons et attendons une réponse positive; faute de quoi, il nous sera de plus en plus difficile de requérir de nos concitoyens de faire des sacrifices pour remédier aux difficultés financières qu'éprouvent leurs voisins.

Nous demandons, en particulier, que des principes directeurs plus souples favorisent les investissements étrangers et la détention accrue de capitaux par les Canadiens. Nous voulons qu'une politique monétaire étudiée se substitue à la politique générale en vigueur. Nous visons à ce que les banques de réserve régionales servent au développement économique des régions où elles sont implantées à ce que des concessions fiscales soient accordées au secteur privé en cas de bénéfices limités, ce qui favoriserait le progrès social, ainsi qu'à l'équité dans la politique d'expansion régionale. Je profiterai de l'occasion, si vous me le permettez, pour aborder la question de la représentation équitable dans la régie interne du pays.

J'ai déjà mentionné brièvement que la plupart des lois fédérales promulguées dans des domaines d'intérêt vital pour l'Ouest l'étaient sans qu'on se donne la peine vraiment de nous consulter. Compte tenu de la proximité de la capitale nationale, les gouvernements des provinces centrales semblent être plus en mesure que nous de faire en sorte que les lois fédérales servent leurs intérêts et ce, bien souvent, à notre détriment.

Nous voudrions, par conséquent, que le gouvernement fédéral consulte davantage les gouvernements des provinces de l'Ouest à propos de questions qui les intéressent au premier chef.

alors que dans le Manitoba, la Saskatchewan, l'Alberta, la Colombie-Britannique et certaines parties du Québec, il a pour résultat que la construction de l'usine n'a pas lieu. L'injustice d'une politique monétaire globale a été une des raisons principales de la lenteur de l'expansion des industries secondaires dans l'Ouest.

Aux Etats-Unis, la banque centrale est établie sur une base régionale. Ne pourrait-on pas faire de même au Canada, en accordant une véritable autonomie aux filiales régionales de la Banque du Canada, ce qui leur permettrait de tenir compte des besoins économiques spéciaux des régions qu'elles desservent?

Pour manifester la haute estime de nombreux Canadiens de l'Ouest pour les capacités de l'entreprise privée éclairée, nous demandons que soit accordé au secteur privé un rôle accru en matière de services et de développement sociaux.

Ce que nous attendons du gouvernement fédéral, c'est qu'il formule des principes qui faciliteront des activités privées de ce genre; nous lui demandons en particulier l'autorisation pour le secteur privé de déléguer, aux fins fiscales, au moins une partie des dépenses engagées pour faire face à de telles obligations sociales.

Enfin, dans le domaine des programmes de développement régional, nous demandons que les services du gouvernement fédéral chargés de développement régional accordent beaucoup plus d'attention aux régions de l'Ouest en voie de développement.

Nous insistons encore plus sur le besoin d'investissements par le gouvernement fédéral non seulement dans les régions pauvres mais aussi dans celles dont les possibilités sont grandes. Ce que nous demandons, c'est un équilibre au cours des trois dernières années, le gouvernement fédéral a engagé des centaines de millions de dollars dans de vastes programmes de développement pour les régions à faible revenu. Qu'a fait le gouvernement pour les régions à grandes possibilités? Il devrait y avoir au moins une correspondance entre ces chiffres, et s'il en était ainsi l'Ouest recevrait une part beaucoup plus importante qu'actuellement des fonds du gouvernement fédéral pour le développement régional qu'actuellement.

Notre espoir, c'est que notre économie devienne aussi canadienne que possible et que tout Canadien de l'Ouest devienne un investisseur. Mais nous croyons aussi que lorsque c'est nécessaire..... et ce l'est maintenant, nous devons faire appel de façon considérable aux capitaux et aux techniques de l'étranger, tant qu'ils sont à l'avantage du développement de nos ressources pour notre population.

En tant que Canadiens, nous conservons les moyens économiques et politiques d'obliger les investisseurs étrangers à se comporter d'une façon responsable et conforme aux intérêts canadiens.

En Alberta, une grande partie de notre industrie pétrolière appartient à des Américains. Cependant, propriété n'est pas nécessairement synonyme de contrôle illimité et des lois judiciaires peuvent maintenir la distinction entre les deux. Nul ne saurait soutenir de bonne foi et en connaissance de cause que les compagnies pétrolières américaines font la loi en Alberta. Elles se conforment à nos règlements, à notre avantage mutuel.

Nous croyons fermement à la possibilité d'associations équitables en matière de relations économiques internationales. Les deux parties peuvent en profiter, et c'est ce que nous voulons dire quand nous parlons d'encourager les investissements étrangers.

Nous vous demandons donc de faire droit à nos besoins particuliers dans le domaine de la constitution des capitaux. Il nous faut non seulement plus de capitaux nationaux mais aussi des capitaux et des techniques provenant de l'étranger.

En ce qui concerne une politique monétaire, nous vous demandons de reconnaître que notre situation économique n'est pas celle qui existe dans l'Est et le Centre du Canada. Nous commençons à peine à construire nos industries secondaires. Nous demandons donc qu'on abandonne les politiques monétaires et les règlements de taux d'intérêt adoptés en bloc comme si toutes les régions du pays en étaient au même stade de constitution de capitaux et d'expansion industrielle.

Un resserrement général des crédits motivé par un emballement de l'économie se traduit dans l'Ontario par un retard dans l'expansion d'une usine qui existe déjà,

Le caractère particulier d'autres zones régionales.

En particulier, dans le domaine de la formation de capital, nous voulons faire remarquer, comme nous l'avons déjà fait dans le passé, notre besoin urgent d'investissements nationaux dans le potentiel de l'Ouest. Nous demandons une politique qui encourage la diffusion des capitaux existants plutôt que leur concentration dans les quelques régions industrielles-clés du pays et l'établissement d'une politique qui encouragerait plus de Canadiens à devenir actionnaires.

Nous voulons aussi faire remarquer que nous aurons besoin non seulement du capital domestique mais aussi des capitaux étrangers pour le développement économique de l'Ouest.

Il est triste, mais vrai que, dans l'histoire de l'Ouest du Canada, les investisseurs étrangers ont toujours démontré un plus grand désir d'assumer certains risques sur notre potentiel que les investisseurs du centre et de l'Est du pays.

Dans l'histoire de l'Alberta, par exemple, il nous a été impossible de découvrir des entrepreneurs sur les marchés financiers du centre du pays qui disposent de ressources suffisantes ou qui soient suffisamment intéressés pour assumer quelques risques dans l'exploitation de nos ressources en pétrole au début de leur découverte. Si le capital américain n'avait pas été là, notre pétrole serait encore sous terre.

C'est pourquoi nous demandons au gouvernement fédéral de poursuivre non pas une politique qui limiterait l'apport de capitaux étrangers dans nos régions mais plutôt une politique qui encourage cet afflux.

Nous demandons un nationalisme économique positif et non pas négatif.

Nous demandons un climat économique qui encourage l'entrée de tout le capital étranger et de toute la technologie qui nous est nécessaire à la condition qu'ils respectent notre souveraineté.

Nous connaissons la peur de la domination américaine sur l'économie canadienne.

Si nous comparons le développement de l'Alaska au cours des dernières années avec le développement du Yukon et des Territoires du Nord-Ouest, nous sommes vraiment déçus. L'histoire souvent tragique et péniblement lente du développement du Grand Nord Canadien n'est pas imputable aux petits groupes de pionniers qui y vivent maintenant. La faute première en incombe au gouvernement fédéral.

L'Alaska est actuellement mise en valeur par nos voisins du sud, les Américains. C'est une réelle constatation de voir que nous, le peuple du Nord, nous n'ayons pas été capables d'en faire autant, au moins en imagination, et en intention si ce n'est par l'ampleur des travaux.

Le gouvernement fédéral des Etats-Unis a accordé à l'Alaska son statut d'Etat. Le gouvernement fédéral du Canada a eu la charge d'administrer nos territoires du Nord pour aussi longtemps et, cependant, à ce jour, la perspective d'une plus grande autonomie pour le Yukon et les Territoires du Nord-Ouest n'est pas même en vue, et les résidents vivent sous l'emprise d'un colonialisme fédéral parfois étouffant.

Aussi nous, Canadiens de l'Ouest, nous vous demandons: que comptez-vous faire pour développer les territoires du Nord?

Si le gouvernement fédéral n'a pas l'intention d'agir, ou, qu'il ne peut agir, peut-il au moins envisager d'accorder aux provinces de l'Ouest une extension de leur juridiction? Les Canadiens de l'Ouest souhaitent vivement contribuer à la mise en valeur des territoires du Nord. Il faut leur donner les chances d'y parvenir.

Toutes nos aspirations sont traduites par ce simple terme: "développement". Les politiques nationales ou les attitudes qui tendent à retarder notre expansion ou à reléguer nos préoccupations au dernier rang sont des injustices que nous chercherons toujours à faire réparer. Une réponse positive à nos besoins de mise en valeur doit se traduire en actes et en capitaux d'exploitation.

Nous ne demandons pas de dons ou de traitement privilégié. Nous demandons plutôt une politique nationale fiscale et monétaire qui reconnaisse le caractère partiel-culier de notre situation, soit élaborée et mise à exécution, de concert avec d'autres politiques qui reconnaissent

En formulant ce vœu des Canadiens de l'Ouest d'avoir une meilleure représentation commerciale et diplomatique dans les pays de la communauté du Pacifique, je sais très bien que, depuis quelques mois, le premier ministre a parlé admirablement de la question en disant que c'était là une chose souhaitable. J'ajouterais que les Canadiens de l'Ouest ont applaudi aux propos du premier ministre à cet égard, ce qui ne nous empêche pas de regretter que les seules mesures prises jusqu'ici en matière de relations canado-asiatiques, par le présent gouvernement depuis qu'il est au pouvoir, sont des mesures négatives. Je veux parler des restrictions qu'il a imposées dernièrement sur l'importation de produits japonais.

Est-ce que ce serait, en fait, une tragédie nationale pour les consommateurs canadiens de pouvoir acheter à prix modique des appareils de télévision en couleur fabriqués au Japon si cela voulait dire que certains travailleurs de l'Est devraient être recyclés afin d'occuper de nouveaux emplois?

Le taux élevé des droits d'importation imposés aux fabricants asiatiques ne fait pas que restreindre les importations. Il réduit le montant en monnaie canadienne que les pays asiatiques possèdent pour acheter les matières premières du Canada. Puisque le gros de ces matières premières sont produites dans l'Ouest, de telles mesures nuisent à notre commerce et baissent le niveau de vie de nos travailleurs.

Pour bien des gens de l'Est et du Canada central, l'idée du développement du Nord est pure imagination et plutôt irréalisable; cela se produira peut-être dans un avenir lointain, mais certainement pas pour le moment.

Par contre, pour bien des Canadiens de l'Ouest, le développement du Nord n'est pas quelque chose que l'on peut laisser pour les années à venir mais c'est un fait auquel nous faisons face actuellement. Si l'on veut réaliser à la fois et sans difficulté la coordination des réseaux de transport, du déplacement de populations, des services sociaux et éducatifs dans le Nord-Ouest, la planification et le programme du gouvernement fédéral pour ce qui est du développement du Nord devraient être beaucoup plus avancées qu'ils ne le sont actuellement.

plus au Japon, à ses millions d'habitants et à sa pénurie de ressources; elle s'intéresse aussi aux pays d'Asie qui luttent pour s'industrialiser et à une population qui représente peut-être le plus grand marché du monde.

Les Canadiens de l'Ouest demandent donc que l'on modifie la politique du pays pour accorder à la communauté du Pacifique la même reconnaissance et la même attention qu'elle accorde à la communauté atlantique. S'il est vrai que le gouvernement fédéral a pour fonction, entre autres, de représenter les Canadiens à l'étranger, nous demandons, à titre de Canadiens de l'Ouest, que le fédéral représente particulièrement nos intérêts dans les pays orientaux.

Nous demandons que le gouvernement fédéral prenne des mesures spéciales pour établir des relations plus étroites entre les provinces de l'Ouest et ces pays.

Le gouvernement fédéral n'hésite pas à prendre des mesures spéciales lorsqu'il s'agit de raffermir les liens entre les pays francophones et le Canada français, même au point d'augmenter l'aide extérieure aux pays francophones d'Afrique.

Que le gouvernement canadien envoie en Afrique des délégations mixtes Canada-Québec à des conférences sur l'éducation des pays francophones si cela répond aux vœux des Canadiens d'une partie du pays, mais qu'il envoie aussi des délégations commerciales mixtes, soit Canada-Manitoba, Canada-Saskatchewan, Canada-Alberta ou Canada-Colombie-Britannique, dans les pays de la communauté du Pacifique.

En outre, pour faciliter ce changement de politique, il faudrait apporter des changements dans la composition du personnel de certaines missions commerciales et diplomatiques du Canada à l'étranger, particulièrement dans les pays asiatiques. Un grand nombre de Canadiens de l'Ouest en ont assez, lorsqu'ils vont dans les pays asiatiques d'y rencontrer des fonctionnaires canadiens, de bonne foi sans doute, mais qui ont été formés dans l'Est du pays et qui connaissent bien toutes les grandes sociétés qui font affaires à Montréal, Ottawa ou Toronto, mais qui n'ont jamais entendu parler des entreprises internationales de Winnipeg, Regina, Edmonton, Calgary ou Vancouver. Ces fonctionnaires représentent les intérêts de certains Canadiens mais sûrement pas les nôtres.

Dans le domaine des transports, nous connaissons tous les résultats des dépenses du Conseil des ports nationaux pour les ports de l'Est et celles du gouvernement fédéral pour la voie maritime du Saint-Laurent, mais dans l'Ouest, face à toute cette question de politique des transports, on se demande quels efforts seront faits, tel qu'un port à Prince Rupert peut-être, pour améliorer le transport de nos produits vers la mer et vers les marchés étrangers, particulièrement en direction ouest.

Ces dernières considérations sont véritablement des sujets de préoccupation pour les Canadiens de l'Ouest. Elles indiquent la présence d'injustices économiques que nous voulons voir disparaître.

Lorsque le Québec s'est plaint des injustices des relations entre francophones et anglophones le gouvernement du Canada a reconnu le bien-fondé d'un certain nombre de ces injustices et a chargé une Commission du bilinguisme et du biculturalisme d'essayer de remédier à la situation.

Les sujets de mécontentement de l'Alberta auxquels je viens de faire allusion, ne sont pas tant d'ordre culturel qu'économique, mais ils sont aussi réels et donnent à penser aux Canadiens de l'Ouest qu'ils sont économiquement défavorisés, dans leur propre pays.

Nous demandons donc au gouvernement du Canada de faire disparaître ces injustices. Par exemple, nous proposons que soit établie une Commission des tarifs et des tarifs-marchandises qui étudierait nos problèmes et recommanderait des solutions.

Les citoyens de l'Alberta ont hâte de voir si les problèmes de l'Ouest du Canada recevront une réponse aussi constructive que les problèmes des Canadiens d'autres régions:

La politique étrangère et la politique du Canada ont, par tradition, été établies en fonction de la communauté atlantique.

Historiquement parlant, cela se comprend, mais si nous envisageons l'avenir, à titre de Canadiens de l'Ouest, nous sommes, à vrai dire, plus intéressés et plus enclins à considérer l'Ouest que l'Est. Depuis quelques années, une bonne partie de la population s'intéresse de plus en

Tous les Canadiens, il est vrai, assument les frais du régime tarifaire, mais tous les Canadiens n'en tirent pas profit.

Ce régime a été établi, c'est chose connue, pour la protection de l'industrie secondaire du Canada central, et particulièrement de l'Ontario. Très peu d'industries de l'Ouest en tirent actuellement quelque avantage que ce soit. Et, par ironie du sort, le régime tarifaire n'a pas réussi à atteindre son propre objectif, celui d'encourager l'industrie secondaire du Canada.

Le professeur J.H. Dales, de l'Université de Toronto, a démontré dans une étude qu'il a effectuée il y a quelque temps, qu'en dépit des tarifs, la croissance économique du Canada suit difficilement celle des Etats-Unis depuis 1870; que le rapport entre notre produit national brut et le leur a diminué; que le rapport entre notre industrie secondaire de fabrication et la leur n'est pas plus élevé qu'il l'était en 1910.

Et pourtant, messieurs, l'une de nos principales industries, l'agriculture, a accusé une augmentation de productivité par rapport à l'agriculture des Etats-Unis, en dépit d'une protection tarifaire très limitée.

A nos yeux, le régime tarifaire symbolise le déséquilibre économique de la Confédération.

Nous admettons qu'il faut protéger les industries "naissantes", mais un certain nombre de ces industries "récentes" ont maintenant quatre-vingts ans et nous nous lassons de défrayer leur pension.

Si le gouvernement fédéral est prêt à user de son influence pour assurer leur entrée sur les marchés étrangers aux producteurs canadiens, nous voulons qu'il déploie autant d'efforts pour les industries de ressources primaires de l'Ouest.

Le gouvernement fédéral a usé de son influence en faveur des fabricants de l'Est du Canada quand il a conclu le récent pacte canado-américain de l'industrie de l'automobile. Voudra-t-il exercer cette même influence pour nous aider à conclure un pacte canado-américain de l'industrie du pétrole qui garantira pour l'avenir la vente d'une plus grande partie de la production pétrolière de l'Alberta aux Etats-Unis?

La croissance de ces industries échappe au contrôle des gouvernements régionaux, mais pas entièrement à celui du gouvernement fédéral. Je pense en particulier à la politique fédérale des transports et aux règlements tarifaires.

La situation ne serait pas nécessairement mauvaise, n'était-ce que lorsqu'ils examinent les priorités du gouvernement fédéral en qui a traité au développement industriel, les gens de l'Ouest se rendent compte qu'existe l'ordre suivant: d'abord les industries manufacturières de l'Est et du centre du Canada, ensuite les industries primaires de l'Ouest du Canada et enfin, les industries manufacturières de l'Ouest du Canada.

Cet ordre de priorités n'est pas chose imaginaire.

Le désir légitime des Canadiens de l'Ouest, si la justice économique doit régner au sein de la Confédération, c'est que nos industries primaires reçoivent la même priorité que les industries de fabrication du Canada de l'Est et du Canada central.

Nous voulons que cette égalité des priorités se manifeste de façon concrète et ne fasse pas simplement l'objet de communiqués de conférences.

Par exemple, nous voudrions que le gouvernement fédéral, dans l'établissement des tarifs, tienne compte non seulement du besoin de protection qu'éprouvent certaines industries de l'Est, mais aussi du fait que le coût de ces tarifs est assumé en grande partie par les consommateurs et par les industries de l'Ouest, dont les frais de production et les frais de transport élevés rendent la concurrence difficile sur le marché international.

Il est temps que le gouvernement fédéral reconnaisse les effets néfastes du régime tarifaire dans l'Ouest, et je dirais même sur le bien-être économique du pays.

Il y a treize ans, le professeur J.H. Young a estimé pour le compte de la Commission Gordon, que les tarifs coûtaient aux Canadiens un milliard de dollars par année.

On ne possède aucun chiffre de tout repos sur le coût actuel du régime tarifaire, mais rien ne nous permet de penser que ce chiffre a baissé.

Les habitants de l'Ouest craignent naturellement que des esprits nourris de préjugés soient peu disposés à faire cas de notre mécontentement et de nos aspirations ou en soient même incapables.

Je le répète, il serait tragique que cet état de choses se continue.

Pour l'essentiel, c'est précisément ce qui s'est produit dans le cas du Canada français. Ses porte-parole ne cessent d'affirmer, depuis des années: "Nous ne sommes pas heureux dans la Confédération. Nous avons une optique que vous ne comprenez pas et que vous n'essayez pas de comprendre. Nous avons des aspirations qui ne sauraient trouver leur réalisation dans le régime actuel. Nous subissons des injustices qu'il faut corriger".

Mais pendant des années et des années, on n'a fait aucun cas de la force et du caractère légitime de ces doléances, ou on leur a attaché trop peu d'importance.

Je ne puis que répéter encore une fois qu'il serait doublement tragique qu'une erreur semblable soit commise à l'endroit de l'Ouest.

En général, les ajustements que nous réclamons comportent des changements d'attitude, des changements d'orientation de la part de divers ministères fédéraux, des changements dans les politiques d'exploitation du gouvernement fédéral et l'établissement de politiques nouvelles pour s'attaquer aux causes de notre mécontentement.

Qu'il me soit permis d'énumérer ici certains des domaines principaux à l'égard desquels les Canadiens de l'Ouest estiment que leur intérêts ont été méconnus et leurs aspirations, frustrées.

L'économie de l'Ouest est fondée dans une très large mesure sur la production de certaines ressources primaires. Nous nous efforçons d'établir des industries secondaires, mais quelle que soit jamais l'ampleur de notre industrie secondaire, les industries fondées sur les ressources primaires constitueront toujours la base de l'économie de l'Ouest et notre principale contribution à l'économie du pays.

Nous apportons, il est vrai, des réserves à certaines recommandations du gouvernement fédéral, ce qui ne nous empêche pas d'espérer que les Canadiens français en viendront à se sentir chez eux dans la Confédération.

L'important pour nous, messieurs, est de créer les conditions qui permettront aux Canadiens de l'Ouest d'avoir confiance en leur rôle au sein de la Confédération.

Etes-vous disposés à faire preuve d'un égal souci et d'une égale compréhension à l'égard des problèmes d'aliénation et d'inégalité qui frappent les Canadiens de l'Ouest? Etes-vous disposés à chercher des solutions à ces problèmes?

Le moment est venu, si nous voulons sauvegarder l'unité canadienne, de dire certaines choses franchement et sans parti pris au sujet de la nécessité de faire face au sentiment croissant d'aliénation ressenti dans l'Ouest et aux inégalités dont l'Ouest est la victime.

Dans l'ensemble, les Canadiens de l'Ouest seront disposés à accepter les vues et les recommandations du gouvernement fédéral au sujet des problèmes du Québec dans la mesure où le gouvernement fédéral se montrera également conscient des problèmes de l'Ouest et disposé à prendre les moyens nécessaires pour faire disparaître le désavantage économique qui frappe cette région.

A titre de premier ministre de l'Alberta, je ne puis me prononcer officiellement qu'au nom de cette province, mais j'ai la conviction intime que bon nombre des sentiments que je vais exprimer dans mon exposé de la situation de l'Ouest comme on la conçoit en Alberta trouveront un écho dans le cœur des Canadiens qui vivent dans les autres provinces de l'Ouest et dans les territoires du Nord.

Je dirai que ce serait une erreur tragique et profonde, de la part des hommes politiques, de la presse ou du grand public du Canada central, de faire trop peu de cas du mécontentement profond qu'éprouvent en fait bien des citoyens de l'Ouest du pays. On ne saurait le nier, les autres parties du pays ne comprennent pas, n'apprécient pas nos intérêts régionaux, nos problèmes et nos aspirations. L'image que l'on présente souvent de l'Ouest aux habitants du Canada central nous déplaît vivement.

Le gouvernement du Québec avait parfaitement raison de conclure que, pour régler les problèmes découlant du mécontentement ressenti par un bon nombre de Canadiens français de son territoire, son action à lui ne suffirait pas.

Si l'on veut que les citoyens d'origine française qui habitent le Québec se sentent pleinement chez eux dans la Confédération canadienne, il faut, à l'échelle du pays, faire disparaître les conditions qui donnent lieu à ce sentiment d'aliénation et d'inégalité. Il faut, en outre, que les autres gouvernements provinciaux soient prêts à certains accommodements.

Nous admettons que, pour amener la population d'expression française du Québec à se sentir plus à l'aise dans la Confédération, des mesures s'imposent non seulement dans le centre mais à l'autre bout du pays.

À l'égard des changements requis en Alberta, je tiens à souligner que notre population sera disposée à les accepter si nous pouvons lui dire que, à la suite de certaines instances du gouvernement du Québec auprès du gouvernement fédéral au sujet de ce sentiment d'aliénation et d'inégalité ressenti par la population, c'est le gouvernement fédéral qui a proposé à l'Alberta l'adoption de certaines mesures pour remédier à la situation.

À ce sujet précis, l'Alberta, à ce jour, a autorisé l'emploi du français comme langue d'enseignement dans les premières et deuxième années et pendant la moitié des heures de classe à compter de la troisième année, dans les régions où besoin et intérêt se font tous deux sentir. De plus, des milliers de nos étudiants suivent des cours de français dans les écoles élémentaires et secondaires.

Le recrutement des professeurs de français demeure difficile et nous cherchons à favoriser la formation de nouveaux professeurs.

Je dois souligner que seulement 6% de notre population est d'origine française. L'héritage culturel de l'Alberta est une mosaïque formée de plusieurs groupes ethniques qui tous contribuent à la richesse du pays. Nous voulons assurer à tous les groupes l'occasion de se développer sur le plan culturel et sur le plan économique.

aussi bon espoir que les Canadiens d'origine française se sentiront chez eux au sein de la Confédération canadienne et que les autres minorités et groupes régionaux seront bien à l'aise, eux aussi, au Canada.

Le gouvernement de l'Alberta désire jouer un rôle constructif et faire disparaître les causes de nos dissensions.

Je me permets de vous proposer diverses façons d'aborder les problèmes qui me paraissent valoir la peine qu'on s'y arrête. Dans les endroits où les minorités se sentent aliénées ou ne bénéficient pas de traitements égaux, à l'intérieur d'une même province, c'est au gouvernement provincial qu'il incombe en tout premier lieu de reconnaître de telles situations et d'y remédier. Si les problèmes d'aliénation et d'inégalité débordent les frontières d'une province et exigent des compromis ou des interventions à l'échelon du pays, ou des compromis de la part d'autres gouvernements provinciaux, la province en cause devrait alors en faire part au gouvernement fédéral.

Les gouvernements provinciaux devraient s'inspirer des directives du gouvernement fédéral pour que les Canadiens qui habitent les autres provinces se sentent à l'aise dans la Confédération. C'est le gouvernement fédéral qui doit être considéré comme le suprême protecteur de l'unité du Canada.

Les provinces ne devraient négliger aucun effort pour mettre en oeuvre les accommodements que proposent les Conférences constitutionnelles et qui sont nécessaires pour dissiper le sentiment d'aliénation ou d'inégalité que ressentent certains Canadiens dans les diverses régions du pays.

Permettez-moi de m'arrêter un moment sur la question de l'application de ces principes, tout d'abord dans le Canada français et, ensuite, dans l'Ouest canadien.

Il est maintenant évident qu'un bon nombre de Canadiens d'expression française se sont sentis à l'écart du courant principal de la vie canadienne. La majorité des Canadiens de langue française vivent dans la province de Québec; il était donc tout naturel que le gouvernement de cette province soit vivement conscient de ce sentiment d'aliénation et d'inégalité et ait résolu de prendre des mesures en vue de corriger la situation.

galité et de l'injustice chez des gens dont les antécédents sont différents, qui habitent des régions différentes du pays, ce qui a donné lieu à un sentiment d'aliénation dont les symptômes sautent aux yeux alors que le plus frappant, dans le contexte de la présente Conférence, est bien l'agitation qui persiste en faveur d'un Québec indépendant. Dans une large mesure, c'est ce sentiment d'aliénation et d'inégalité chez les Canadiens d'origine française qui a porté ces problèmes à notre attention et qui a contribué à faire des Canadiens français un sujet de préoccupation pour le pays tout entier.

Parce que les causes profondes de l'aliénation et de l'inégalité que ressentent les Canadiens français se rattachent à des questions telles que les clauses originelles de la Confédération, les droits linguistiques, les compétences gouvernementales et la répartition des pouvoirs, il est bien naturel que, pour remédier à ces malaises, l'on cherche à réformer en profondeur la constitution.

Nous vivons à une époque de concentration sur soi-même. Nous voyons d'un très bon oeil la vitalité et cette prise de conscience d'eux-mêmes de la part de nos concitoyens d'expression française et le désir bien compréhensible qu'ils manifestent de jouer un nouveau rôle dans la Confédération du point de vue culturel et économique.

Il nous faut reconnaître les profonds sentiments d'aliénation et d'inégalité de traitement qui sont ressentis en diverses régions du pays par des groupes qui ne sont ni d'origine ni d'expression françaises ou qui ne résident pas au Québec. Ces sentiments n'ont peut-être rien à voir avec la culture mais ils pourraient bien s'avérer aussi menaçants pour l'avenir de la Confédération que les désaccords entre les groupes francophones et anglophones.

Les causes de ces autres malaises sont telles que des réformes d'ordre constitutionnel ne sauraient les atténuer très rapidement; il faudra peut-être des mesures du Parlement fédéral et des gouvernements provinciaux qui soient de nature très différente.

J'ai bon espoir que d'ici dix ans, nous pourrions dire qu'est assurée l'unité politique du Canada parce qu'on aura mis fin à l'aliénation et à l'inégalité de traitement des minorités et des groupes régionaux; j'ai

Allocution d'ouverture de
L'HONORABLE HARRY E. STROM
Premier Ministre
de l'Alberta
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

(TRANSCRIPTION)

Merci, monsieur le premier ministre. Monsieur le premier ministre du Canada, messieurs les premiers ministres des provinces, mesdames et messieurs,

Je voudrais d'abord remercier le premier ministre pour l'éloge qu'il a fait de mon prédécesseur, M. Manning. Merci aussi à tous des vœux que vous lui offrez. Soyez sûr que je lui transmettrai. Je voudrais aussi dire comment nous regrettons l'absence de M. Thatcher. Nous étions ensemble la fin de semaine dernière, bien loin de penser qu'il serait incapable de se rendre ici. Nous lui souhaitons un prompt rétablissement afin qu'il puisse retourner à ses responsabilités en Saskatchewan et qu'il puisse continuer à jouer son rôle sur la scène nationale. Nous sommes heureux, mes collègues et moi-même, d'avoir l'occasion de discuter avec d'autres hommes d'Etat canadiens les problèmes et les questions qui préoccupent tous les habitants de notre pays.

Permettez-moi d'abord quelques observations sur les attitudes et sentiments que je remarque chez les Canadiens en général et chez les Canadiens de l'Ouest en particulier.

L'un des dilemmes les plus graves auxquels les Canadiens doivent faire face c'est la présence de l'inné-

Allocution d'ouverture de
L'HONORABLE HARRY E. STROM
Premier Ministre
de l'Alberta
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

-- la liberté de culte
 -- la liberté de parole
 -- la liberté de réunion et d'association
 -- la liberté de la presse.

Monsieur le président,

Voilà donc les vues du gouvernement de la Saskatchewan sur certains aspects de la réforme de la constitution. Notre délégation précisera ces points de vue pendant la Conférence.

Nous n'avons aucune intention d'être fanfarons ou de faire bande à part.

Mais je tiens à rappeler qu'à notre avis, on ne pourra sauver la Confédération sans un effort immédiat de tous les intéressés pour sortir de l'impasse financière dans laquelle se trouvent nos gouvernements.

Je prie le premier ministre de donner le ton à cet égard.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, Monsieur le vice-premier ministre Stenart.

J'invite maintenant l'honorable Harry Strom, premier ministre de l'Alberta de nous adresser la parole au nom de sa province.

Mais, certes, à une époque où la Confédération est en proie à tous les tiraillements, il ne faut pas diviser davantage notre population par une question sur laquelle un grand nombre ont des idées bien arrêtées.

Nous croyons que la constitution doit imposer le régime parlementaire à toutes les provinces et, j'ai déjà insisté là-dessus, donner à ces dernières le même statut et les mêmes pouvoirs.

Nous soutenons que le Parlement du Canada ne doit pas avoir le pouvoir de conclure des accords spéciaux avec quelque province que ce soit au sujet de programmes fédéraux.

De par leur nature, ces programmes s'appliquent à tout le pays.

Les accords spéciaux ne doivent être permis qu'avec le consentement unanime des provinces.

Nous serions en faveur d'une certaine réforme du Sénat.

Nous sommes d'avis que la représentation au Sénat devrait être plus conforme à la population des régions et des provinces du Canada.

Nous croyons que la constitution doit reconnaître la suprématie du gouvernement fédéral sur le plan international et dans toutes les négociations mettant en cause des gouvernements étrangers.

Nous convenons que la Cour suprême du Canada doit rester le tribunal de dernière instance pour toutes les questions, y compris celles qui ont trait à la constitution.

En outre, les précédents doivent continuer à y faire jurisprudence.

Sous certaines réserves, la Saskatchewan convient de la nécessité d'inclure dans la constitution une déclaration des droits qui garantirait les droits démocratiques fondamentaux.

Mais nous croyons aussi qu'il faut prendre garde de n'y consacrer que les droits démocratiques fondamentaux, qui sont:

Notre gouvernement s'engage à appuyer sans restriction une mise en valeur raisonnable du bilinguisme au moyen de l'enseignement, à cause de sa valeur pratique tant pour l'individu que pour le pays.

Notre attitude concerne d'abord et avant tout les aspects du projet de loi qui ne sont pas pratiques pour l'Ouest du Canada et qui, en outre, se révéleraient discriminatoires à l'endroit de plusieurs de nos concitoyens.

Toutefois, si Ottawa continue de parraïner le projet tel qu'il a été déposé, nous ne pourrions pas laisser la question suivre son cours sans contestation devant les tribunaux.

Mais nous devons insister pour que cette question essentielle de l'enseignement en français ou en anglais demeure du ressort des provinces.

Le gouvernement de la Saskatchewan a quelques autres opinions sur la constitution, et nous serons prêts à les exprimer au moment opportun.

Par exemple, nous souhaitons un gouvernement central fort et efficace ayant la compétence, les pouvoirs et l'autorité nécessaires pour réaliser la vigueur et l'unité nationales.

Le gouvernement central doit avoir des pouvoirs économiques et fiscaux suffisants pour assurer une croissance économique stable, supprimer le chômage, combattre l'inflation et la déflation et favoriser l'égalité des chances dans les diverses provinces et régions du pays.

Nous croyons que le Canada doit demeurer un Etat fédératif. Nous approuvons d'emblée le maintien de la monarchie, du moins pour l'avenir immédiat.

Le jour viendra peut-être où les Canadiens décideront d'abolir cette institution.

Pour ces raisons, il serait certainement très discriminatoire à l'endroit de la grande majorité des habitants de la Saskatchewan de faire de l'aptitude à travailler et en anglais et en français une qualité requise pour de nombreux emplois.

Loin de favoriser l'objectif désiré, qui est d'unir le pays d'avantage cette mesure produirait en fin de compte désunion et friction entre le groupe francophone et le groupe anglophone et une situation tout à fait différente de celle que nous avons connue au Canada jusqu'ici.

De plus, nous croyons qu'il y a lieu de s'interroger sérieusement sur la constitutionnalité du projet de loi sur les langues officielles.

Nous sommes d'avis que l'Acte de l'Amérique du Nord britannique, par suite d'une modification qui remonte à 1949, interdit précisément au Parlement fédéral de modifier unilatéralement la constitution en matière de langues.

Par conséquent, ne serait-ce que pour ces seuls motifs, la Saskatchewan ne peut admettre les dispositions du projet de loi sur les langues officielles dont la Chambre des communes est actuellement saisie.

Monsieur le président, l'aspect le plus dangereux des dispositions de ce projet de loi est peut-être l'effet qu'elles auront sur l'administration de la justice.

Nous soutenons que s'il faut que toutes les lois et tous les règlements fédéraux ainsi que tous les jugements rendus par les cours fédérales soient écrits dans les deux langues, et que les deux versions fassent foi également, il s'ensuivra que seuls les avocats et les juges bilingues seront à la hauteur de la situation pour interpréter la loi et rendre la justice.

Nous affirmons par conséquent que la justice, du moins dans l'Ouest du Canada, ne serait pas bien servie, contrairement à l'esprit du projet de loi sur les langues officielles.

La province de la Saskatchewan ose espérer qu'on pourra persuader le gouvernement fédéral de ne pas donner suite pour le moment au maintenant projet de loi sur les langues officielles.

En ce qui concerne les langues officielles, le gouvernement de la Saskatchewan appuie la mise en valeur du bilinguisme au Canada, parce qu'à notre avis, il est à souhaiter que les Canadiens d'expression anglaise et les Canadiens d'expression française se sentent chez eux partout au Canada. Mais en même temps, nous sommes d'avis que c'est l'enseignement qui constitue la meilleure façon de parvenir au bilinguisme.

En Saskatchewan, la loi permet maintenant à ceux qui le demandent d'employer le français comme langue d'enseignement depuis la maternelle jusqu'à la douzième année inclusivement, dans les régions où un tel programme est réalisable économiquement.

Outre l'enseignement en français donné dans les écoles élémentaires et secondaires, l'Université de la Saskatchewan, section de Regina, a dernièrement organisé un collège bilingue.

Nous prendrons d'autres dispositions au fur et à mesure qu'elles se révéleront nécessaires et réalisables. Nous ne sommes cependant pas persuadés que l'on puisse parvenir effectivement au bilinguisme par des mesures législatives.

La constitution donne déjà certaines garanties quant à l'usage du français et de l'anglais au Québec, au Parlement fédéral et dans les tribunaux fédéraux.

Nous craignons toutefois que les dispositions proposées dans le nouveau projet de loi fédéral sur les langues officielles aient pour résultat de faire du bilinguisme une condition

(a) d'avancement dans les forces armées, et

(b) d'engagement et d'avancement dans la fonction publique fédérale et dans des sociétés fédérales de la Couronne telles qu'Air Canada et les chemins de fer nationaux du Canada.

Monsieur le président, il n'y a que 6.5 p. 100 de la population de la Saskatchewan qui soit d'origine française.

Sommes-nous disposés à faire quelque chose pour faire face à cette brutale réalité?

Allons-nous laisser faire les choses, en attendant un revirement soudain de la situation? Conscients de ces épineux problèmes fiscaux, les Canadiens de l'Ouest ne sauraient être emballés par la perspective d'une nouvelle constitution.

Ayant établi que la première priorité devrait être, à notre avis, l'édification d'un Canada uni, je puis vous dire que la Saskatchewan est assez bien disposée à collaborer à la recherche de réformes constructives de la constitution. Nous ferons, en effet, tout notre possible pour collaborer avec Ottawa et les autres provinces.

Au nom de mon gouvernement, puis-je maintenant faire quelques commentaires sur les propositions qui ont été faites.

Comme nous l'avons déclaré il y a un an, nous ne croyons pas qu'il soit vraiment impérieux que nous ayons une nouvelle constitution.

Nous estimons qu'on pourrait surmonter bien des difficultés en apportant des modifications à la constitution actuelle.

Comme nous l'avons proclamé à diverses reprises, la Saskatchewan prône le repatriement de la constitution dès que possible, de sorte qu'on puisse l'amender au Canada, sans qu'il soit nécessaire de s'en remettre au Parlement britannique.

Nous espérons aussi qu'on trouvera une formule acceptable pour la modifier, du type de la formule Fulton-Favreau à laquelle notre gouvernement s'était rallié il y a plus de trois ans.

Notre gouvernement est d'avis que même si certains aspects de l'Acte de l'Amérique du Nord britannique sont peut-être périmés, nous pourrions cependant fort bien le modifier et construire à partir du cadre de la constitution actuelle.

et de l'empêchement du gouvernement fédéral dans des domaines de compétence provinciale, Ottawa continue d'accuser de lourds déficits.

Le ministre des Finances recommande aux provinces d'augmenter leurs impôts ou de comprimer les dépenses.

Il ne saurait nous convaincre alors que lui-même augmente et les impôts et les dépenses. En somme, cela revient à dire aux provinces:

"qu'elles mangent du gâteau"

Serait-ce hors de propos, monsieur le président, de prendre la liberté de rappeler au ministre le sort qui fut réservé à celle qui prononça cette boutade historique, et qui fut bien mal avisée de laisser échapper une phrase aussi malheureuse.

Le ministre des Finances nous assure une fois de plus qu'il veut arriver à un "budget équilibré".

Mais cela ne saurait nous convaincre, si cela revient, en fait, à faire endosser le déficit aux provinces.

C'est le montant de l'impôt à payer qui importe au contribuable et non pas le gouvernement qui le prélève.

Si les provinces adoptaient la même attitude, elles se déchargeraient de leur déficit budgétaire sur les municipalités.

Prélèver des impôts: c'est plus facile à dire qu'à faire, d'autant plus que le gouvernement fédéral s'est déjà réservé les domaines fiscaux les plus rentables.

C'est un fait que l'économie est déjà lourdement taxée et qu'il est extrêmement difficile de prélever d'autres impôts.

Le ministre des Finances le sait fort bien.

Tous ceux qui sont réunis à cette table connaissent très bien la cause profonde des contraintes fiscales actuelles; c'est parce que les provinces et les municipalités ont bien plus besoin de fonds pour s'acquitter de leurs obligations que ce n'est le cas pour Ottawa.

En vertu de la répartition actuelle des impôts, nous n'avons droit qu'à une très faible portion des impôts sur le revenu versés par les sociétés. D'autre part, en tant que gouvernement, nous devons assurer bon nombre de services à ces sociétés, à titre de personnes morales.

Les impôts sur le revenu des sociétés que nous recevons du gouvernement fédéral ne suffisent pas à acquitter tout le coût de ces services.

Nous estimons qu'il faudrait trouver une formule plus juste et plus équitable de partage de ces impôts.

D'après nous, c'est là un élément important de toute réforme fiscale.

Outre les responsabilités financières que l'on révisé, il est bien des domaines où le gouvernement fédéral devrait envisager d'apporter son aide aux provinces.

Actuellement, le Canada est le seul pays de l'occident qui ne soit pas doté d'un réseau routier construit par le gouvernement fédéral. Il est indéniable que les autorités fédérales devraient aider les provinces à construire un réseau routier interprovincial, ainsi que des routes d'accès aux régions septentrionales et aux ressources.

Enfin, le gouvernement fédéral devrait étudier avec soin la question d'une aide plus considérable à l'éducation, à tous les échelons.

A l'heure actuelle, ce sont les provinces qui doivent acquitter la tranche la plus importante du coût de l'éducation dont les fruits bénéficient, somme toute, à tout le pays.

Monsieur le président, il y aurait bien d'autres sujets d'irritation imputables à la politique financière du gouvernement fédéral, mais peut-être n'est-ce pas le moment de les évoquer.

Cependant, je dois dire que nous alarmons de constater qu'en dépit de maintes augmentations d'impôts

Sans ces stimulants, nous sommes persuadés que l'exploration et l'exploitation subiront un ralentissement considérable. De nouveau, au risque de paraître présomptueux, je me permets d'avertir le ministre des Finances que l'Ouest du Canada n'acceptera jamais de bon gré les propositions d'impôt minier de M. Carter.

Nous n'accepterons jamais que l'expansion minière de la Saskatchewan soit contre-carée par quelques bureaucrates ou théoriciens d'Ottawa ou d'ailleurs. La province de Saskatchewan croit aussi que le partage des revenus provenant des mines sous-marines doit faire l'objet d'un examen attentif.

Notre province n'a aucun débouché sur la mer et ne possède pas de mines sous-marines.

Mais nous croyons que si le gouvernement fédéral a l'intention de partager les revenus provenant de l'exploitation des ressources sous-marines avec les provinces, ces revenus devraient alors être partagés de façon équitable avec toutes les provinces du Canada.

Par décision de la Cour suprême du Canada, ces ressources appartiennent au gouvernement fédéral et, par conséquent, les revenus qu'il en retire devraient être partagés entre tous les Canadiens.

Nous ne pouvons admettre que les provinces elles-mêmes doivent trouver une formule de partage des revenus qui proviennent de ces ressources.

Si ces revenus reviennent au gouvernement fédéral, il est certain que c'est à lui qu'il incombe de déterminer à qui il les distribuera.

Nous estimons qu'il existe de graves injustices à l'égard du partage des revenus provenant des bénéfices des sociétés.

Bon nombre de sociétés actuellement installées en Saskatchewan ont leur siège social dans d'autres provinces.

tions agricoles familiales.

Le côté frustrant de cette action c'est que nous n'avons été consultés à aucun moment.

Bien qu'Ottawa retienne le quart des revenus en question et que les provinces en retiennent les trois quarts, il n'y a eu aucune consultation de part et d'autre.

Est-ce là "démocratie de participation" promise par le nouveau gouvernement?

Je dis au premier ministre et au ministre des Finances que de pareils gestes ébranlent dangereusement notre confiance dans l'intégrité du gouvernement fédéral en matière d'impôt.

Je leur dirai également que s'il y avait eu consultation avec les provinces avant de soumettre une telle mesure à la Chambre des communes, le tout réent fiasco sur les impôts de succession aurait pu être évité.

Et maintenant des rumeurs circulent à nouveau dans la capitale selon lesquelles les adoucissements fiscaux dont bénéficient les sociétés minières seront peut-être avant longtemps supprimés, conformément aux recommandations de la Commission Carter.

L'ancien ministre des Finances, je le répète encore, a donné aux provinces la ferme assurance qu'aucune mesure relative au rapport Carter ne serait prise sans consultation préalable avec les provinces. Mais après ce qui vient de se passer pour l'impôt sur les successions, comment pouvons-nous avoir l'assurance que cet engagement sera respecté dans ce domaine?

La province de Saskatchewan croit que les stimulants fiscaux pour l'exploitation minière ont donné d'excellents résultats et qu'ils ont contribué au vigoureux développement de l'industrie minière.

dératif sera taxé à la limite et peut-être jusqu'à l'éclair-
tement.

De nos jours, les trois niveaux de gouvernement
s'accaparent 55 p. cent du revenu national brut.

La plupart des Canadiens en ont soupé de cette
extravagance et, à mon avis, n'accepteront pas cette
situation indéfiniment.

Au risque de vous sembler présomptueux, je m'oppose
de toutes mes forces à certains aspects de la dernière
politique fédérale d'imposition.

Il y a quelques années, le gouvernement précédent
avait promis qu'il y aurait consultation avec les provinces
avant d'introduire des changements importants dans les
impôts -- surtout les changements recommandés par la
Commission Carter.

La plupart du temps, on n'a pas tenu compte de
cette promesse.

Ottawa a introduit unilatéralement l'une après
l'autre des majorations d'impôt touchant aux intérêts
essentiels des provinces --

Par exemple, il n'y a pas longtemps, le gouvernement
fédéral a haussé considérablement les taxes sur les
alcools. Bien qu'il soit parfaitement en droit
d'agir ainsi, c'est certainement là un domaine
qui, au cours des années, a été de plus en plus
reconnu comme une source de revenus pour les
provinces.

Dans le dernier budget fédéral, des changements
importants et de grande conséquence ont été
proposés à la législation des droits de succession
et des droits sur les dons.

Même si l'intention originale de ces changements
a été quelque peu modifiée, l'effet d'ensemble
constituait encore une menace sérieuse et réelle
pour des milliers d'individus et de petites
entreprises du pays.

Mais, dans les Prairies, même avec les modifications,
ils peuvent signifier la fin de nombreuses exploita-

Et nous avons réussi ce tour de force

a) même si Ottawa nous retire progressivement les paiements de péréquation de 55 millions de dollars,

b) et même si, jusqu'à ces derniers temps, notre province a été la seule à financer un programme complet d'assurance-maladie.

Je me permets aussi de souligner que toutes les dépenses courantes relatives à la voirie, aux hôpitaux et aux universités ne sont pas capitalisées, mais payées à-même les revenus courants.

La formule a été difficile et impopulaire, mais je dis que la Saskatchewan a su assumer ses responsabilités en matière de finance.

Mais nous savons bien que nous ne pourrions maintenir indéfiniment un tel dossier à moins que des modifications ne soient apportées sur le plan fédéral-provincial.

Le coût d'administration de domaines tels que la santé, l'éducation et les réseaux routiers qui, en vertu de la constitution, relèvent des provinces, s'est accru plus rapidement que l'économie et les charges fédérales.

Par conséquent, les niveaux inférieurs de gouvernement devront remettre certaines responsabilités aux niveaux supérieurs ou bien le pouvoir de taxation devra être transféré dans l'autre direction.

Si un tel changement ne se produit pas bientôt, l'économie du pays se dégradera au point de provoquer une crise très grave.

Nous sommes tous au courant de l'urgente nécessité pour le gouvernement fédéral d'équilibrer son budget.

Toutefois, nous ne croyons pas que le ministre des Finances apporte un grand soulagement aux contribuables en transférant le déficit fédéral aux provinces.

A moins que le gouvernement ne s'entende bientôt avec les provinces pour faire l'évaluation objective et complète des dépenses et des revenus de chaque palier de gouvernement, nous sommes convaincus que le régime confé-

Ils devront prendre cette décision en sachant qu'ils auront le même statut que les neuf autres provinces.

Nous ne voulons pas au Canada des citoyens de deuxième classe.

J'ai la conviction que sous la haute direction politique du premier ministre Bertrand qui, par ses talents et sa modération, s'est gagné le respect de tous les Canadiens, le Québec élira de demeurer province canadienne.

Il est certain que tous les motifs économiques possibles militent dans ce sens.

Mais de toute façon, laissons les Québécois faire leur choix -- et poursuivons ensuite la tâche importante de bâtir un Canada meilleur et plus prospère.

J'ai précisé tantôt que le gouvernement de la Saskatchewan estime que ce qui menace le plus l'unité nationale, ce sont les arrangements fiscaux entre le gouvernement fédéral et les provinces.

Le pays connaît un écroulement à peu près total du contrôle fiscal.

Cette année, les deux paliers de gouvernement vont dépenser 1.1 milliard de dollars de plus qu'ils ne vont recevoir.

Il faut renverser la vapeur avant que les dépenses gouvernementales ne mènent le pays à la confusion dans le domaine économique.

Les différends qui ont surgi entre le gouvernement fédéral et la plupart des provinces proviennent du fait que chacun dépense plus qu'il ne perçoit.

La somme de leurs déficits a ébranlé leurs trésors et causé une forte tension à l'ensemble du régime fédératif.

Je me permets, en passant, de dire quelques mots du dossier financier de la Saskatchewan.

Depuis son arrivée au pouvoir, notre gouvernement a présenté quatre budgets équilibrés de suite. Nous espérons présenter le cinquième dans quelques jours.

de concessions spéciales ou d'un "statut particulier" à quelque province que ce soit.

Nous croyons que tous les Canadiens doivent jouir des mêmes droits et des mêmes privilèges.

Nous soutenons aussi que tous les Canadiens doivent assumer des responsabilités égales.

Nous croyons que toute mesure raisonnable ou réalisable doit être prise afin de conserver le Québec au sein de la Confédération.

Un Canada sans le Québec est presque inconcevable.

Mais si nous voulons bien accepter des compromis dans ce sens, nous n'entendons pas accepter une constitution qui accorde à d'autres Canadiens des droits, quels qu'ils soient, dont ne jouiraient pas les habitants de l'Ouest.

Ce serait folie de ne pas reconnaître que le Québec fait face à des problèmes que ne partagent pas également les autres provinces.

Mais ce serait folie également de supposer que les problèmes qui sont particuliers au Québec soient les seuls, ou même les plus importants, dont doit s'occuper la présente Conférence.

A notre avis, si l'on accédait à toutes les demandes faites récemment par le Québec, il s'ensuivrait automatiquement l'écroulement de la Confédération.

Les habitants de la Saskatchewan ne croient qu'à un seul Canada -- non pas à deux ou à trois.

J'exprime l'espoir que les Québécois en viendront à la conclusion que leur bien véritable réside dans l'association à égalité avec les autres provinces du Canada -- et non pas dans la séparation.

La décision leur appartient en grande partie, mais pas à eux exclusivement.

Qu'il me soit permis de dire encore une fois, au nom de ma province, que si les Québécois demeurent dans la Confédération, ce que nous espérons tous du fond du coeur,

sous-marins, mais nous acceptons toutes les offres.

Je me demande si le premier ministre ne devrait pas prévenir le Président Nixon du fait que notre "bon gros géant" est en marche vers l'Alaska. Ou peut-être ne s'agit-il que d'obtenir des recrues pour les Lions de la Colombie-Britannique!

Monsieur le président,

La province de la Saskatchewan apporte à cette Conférence un esprit de collaboration.

Nous espérons que les délibérations des jours qui viennent contribueront à préserver et à renforcer notre Confédération.

Par ailleurs, nous apportons aussi à la Conférence un esprit quelque peu impatient.

Nous croyons toujours que notre population affronte des problèmes dont la cote de priorité est bien plus élevée que celle de la réforme constitutionnelle que propose actuellement le gouvernement fédéral.

Nous estimons que la Conférence devrait avoir comme objectif premier de régler les aspects financiers de la Confédération.

Les pouvoirs d'imposition qui convenaient autrefois ne répondent plus aux responsabilités constitutionnelles de chacun des paliers de gouvernement.

Nous appuyons sur le fait que ce sont les difficultés financières rencontrées par tous les gouvernements qui constituent aujourd'hui le défi principal à l'existence de notre pays -- non pas la constitution.

Les habitants de l'Ouest n'ont pas bonne impression des dernières politiques fiscales d'Ottawa.

Elles ont pour nous valeur de confrontation, de tactique de choc, de hausse renouvelée des impôts et d'ingérence dans les domaines d'imposition qui relèvent des provinces.

Le gouvernement de la Saskatchewan apporte aussi à la Conférence un esprit d'opposition renouvelée à l'octroi

Allocution d'ouverture de

L'HONORABLE D.G. STEUART

Vice-premier ministre

de la Saskatchewan

à la

deuxième réunion

de la

Conférence constitutionnelle

Ottawa, le 10 février 1969

(TRANSCRIPTION)

Merci, monsieur le premier ministre. Je dois d'abord vous transmettre les regrets du premier ministre Thatcher de n'avoir pu assister à cette importante réunion pour cause de maladie. Il vous fait tenir ses meilleurs vœux de succès dans la tâche que vous avez entreprise pour le plus grand bien de tous les Canadiens. Il remercie aussi tous ceux de vous, parmi les chefs de gouvernements ici présents, qui m'ont transmis à son intention des vœux de prompt rétablissement. Veuillez croire que ces vœux ont été appréciés.

Le premier ministre m'a demandé de vous assurer, avant de donner lecture de notre mémoire, qu'il ne peut y avoir de doutes quant à son assentiment aux positions qui seront prises par notre délégation durant cette réunion.

J'ai été très impressionné par les documents qui nous ont été présentés par les provinces et par le premier ministre du Canada. Le premier ministre de l'Ontario m'a un peu surpris lorsqu'il a fait remarquer que 45% des revenus du gouvernement fédéral provenaient de sa province. Il me faut lui faire remarquer tout de suite que la prospérité ontarienne est probablement due, pour une bonne moitié, aux ventes de machinerie agricole aux fermiers des Prairies. Comme tout le monde, j'ai été impressionné par la nouvelle carte du Canada qui avance nos frontières jusqu'à l'océan Arctique. C'est là une façon un peu compliquée de prendre part à la bataille des droits miniers

Allocution d'ouverture de
L'HONORABLE D. G. STEUART
Vice-premier ministre
de la Saskatchewan
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

étude. Je doute aussi que le Comité permanent y consacre actuellement le temps nécessaire, étant donné qu'il se réunit environ une fois par mois pour une durée de trois jours. Il faudra, pour notre recherche d'un accord d'association pratique et utile, des mois, sinon des années d'efforts. Nous sommes d'avis que les réunions du Comité devraient avoir lieu plus régulièrement, que ses membres devraient être nommés de façon plus permanente, que la Conférence doit enjoindre le Comité d'accélérer les travaux qui lui ont été confiés.

Monsieur le président, dès que le Comité permanent aura fait des recommandations, je consacrerai aux réformes constitutionnelles particulières le temps nécessaire. Tant que nous n'en serons pas à ce stade, tant que le Comité n'aura pas eu amplement l'occasion de recevoir et d'étudier les propositions du gouvernement, tant qu'il ne nous aura pas présenté des recommandations précises, des séances comme celle-ci ne représenteront guère qu'un moyen d'affirmer à nouveau que nous sommes convaincus de la nécessité de sauvegarder et de favoriser l'unité du Canada.

LE TRÈS HONORABLE P. E. TRUDEAU: Merci, monsieur le premier ministre Campbell.

Nous entendons maintenant l'allocation d'ouverture de l'honorable M. Stenart chef de la délégation et vice-premier ministre de la province de la Saskatchewan.

Deuxièmement, sur les méthodes de révision:
La méthode fondée sur les "propositions" nous semble
présentement valable.

Troisièmement, sur le processus de la révision:

Encore une fois, nous approuvons les propositions
énoncées aux paragraphes 12, 13, 14 et 15 du rapport du
Comité.

Quatrièmement, sur le recours à des comités spéciaux:

J'ai compris que le Comité permanent puisse vouloir
confier à des sous-comités ou à des groupes similaires
l'étude de certaines questions. J'approuve ce procédé
pourvu que le Comité permanent ne s'éparpille pas au point
de limiter ses discussions à l'étude de volumineux rapports.

Il est difficile d'énoncer des directives précises
en ce moment parce que le Comité vient tout juste de réunir
un bon nombre des concepts qui se rattachent à une réforme de
la constitution. Je m'empresse de féliciter le Secrétaire
sous la compétence direction de M. Edgar Gallant, du magni-
fique travail de documentation qu'il a accompli.

Monsieur le président, plus tard, nous étudierons
en détail le rapport du Comité. En guise d'introduction,
je présente les deux propositions suivantes:

que nous nous efforcions d'établir un ordre de
priorité pour les travaux du Comité afin que les questions
plus urgentes soient traitées les premières; et

qu'on étudie à fond les répercussions possibles de
toutes modifications importantes de la constitution. Par
exemple, s'il est proposé que les provinces deviennent le
responsables des programmes qu'appliquent actuellement le
gouvernement fédéral, quelles conséquences cela aurait-il
pour les deux paliers de gouvernement, en ce qui concerne
les besoins financiers, les ressources administratives et
le personnel.

Une telle étude de la constitution sera longue et
demandera des efforts considérables. Comme je l'ai déjà
dit, je suis persuadé que les premiers ministres ne dis-
posent pas du temps qu'il faudrait pour examiner à fond
les nombreuses questions sur lesquelles doit porter cette

souveraineté et dont chacune possède des traditions bien établies. Notre société est plus complexe et plus raffinée qu'elle ne l'était à la fondation de la Confédération. Les documents historiques mentionnent que l'union originale "a été arrosée par une mer de campagne, et rehaussée par la présence de charmantes partenaires de danse". Tout porte à croire que les révisions de notre constitution actuelle se feront plutôt sous un flot de propositions. Personnellement, monsieur le président, je n'ai pas eu le temps d'examiner en détail les diverses propositions mises de l'avant ni de discuter à fond la refonte de la constitution de façon aussi fondamentale que l'a fait le Comité permanent. Je ne m'attends pas non plus qu'à titre de Premier ministre nous ayons le temps de résoudre à l'unanimité les centaines de propositions qu'ont présentées les divers gouvernements. Notre Comité permanent des fonctionnaires devrait être appelé à effectuer les recherches nécessaires à la rédaction d'une nouvelle constitution. La tâche difficile qu'a été l'élaboration de la constitution des Etats-Unis d'Amérique et de notre propre constitution ne s'est pas accomplie sous les feux de la télévision et les représentants ne parlaient pas directement à leurs électeurs. Ces constitutions ont plutôt été élaborées à huis-clos à Philadelphie, Charlottetown, à Québec et à Londres. La complexité de la révision actuelle rend essentielle l'existence d'un organisme tel que le Comité permanent.

La décision que l'on prendra au sujet des lignes de conduite à adopter appartient, évidemment, aux premiers ministres, ici réunis, et à nos Assemblées législatives respectives.

Le Comité permanent s'est déjà réuni à cinq reprises; les discussions semblent dans nombre de domaines, être demeurées superficielles. Le Comité a sollicité des directives de la Conférence constitutionnelle et à ce point-ci des délibérations, je serais porté à recommander que le Comité poursuive ses travaux. Dans son rapport, celui-ci a expressément demandé des directives dans quatre domaines. Voici notre position sur ces quatre questions:

D'abord sur les objectifs de la révision constitutionnelle:

Le gouvernement de l'Île-du-Prince-Édouard appuie le concept de la "révision globale".

Je suis heureux, monsieur le président, de déclarer à la Conférence que l'Ile-du-Prince-Édouard a fait des progrès marqués vers la réalisation des objectifs proposés dans le rapport de la Commission d'enquête sur le bilinguisme et le biculturalisme. À sa dernière session, notre Assemblée législative a approuvé à l'unanimité la reconnaissance du français comme langue officielle dans les débats de l'Assemblée. Nous avons en outre accompli des progrès dans les affaires culturelles et dans le domaine de l'éducation. Mon collègue, monsieur le premier ministre Robichaud, a pris part à l'an dernier aux cérémonies d'inauguration d'un centre culturel acadien à Abram's Village. Notre ministère de l'Éducation a favorisé activement le perfectionnement des méthodes et des moyens d'enseignement du français dans la province. Il a commencé à donner l'enseignement en français et il a permis l'emploi de manuels français pour diverses matières, dans la région de la province désignée par les commissaires comme district bilingue.

Notre ministère de l'Éducation se propose d'intensifier ses efforts pour instituer un programme vraiment bilingue dans les écoles de la province qui ont une forte proportion d'élèves acadiens. Cela comportera l'enseignement du français comme langue première et des programmes scolaires spéciaux pour l'enseignement de la conversation française. Nous avons aussi nommé un spécialiste de l'enseignement du français. Monsieur le président, il est peut-être opportun de souligner que ces changements ont été introduits de notre propre initiative et non de celle du gouvernement central. Ces changements sont la mise en oeuvre des recommandations de la Commission sur le bilinguisme et le biculturalisme, en ce qu'elles s'appliquent à notre province.

Monsieur le président, si je comprends bien le sens de votre invitation, le but primordial de la présente Conférence est d'étudier le premier rapport de notre Comité permanent. Je me limiterai maintenant à cette question.

Le résumé du compte rendu des délibérations du Comité et les nombreuses propositions qu'ont soumises les gouvernements participants font ressortir la complexité de la révision que nous entreprenons. Nos Pères fondateurs, à Charlottetown et à Québec, ont eu une tâche relativement simple à accomplir. Nous comptons maintenant onze juridictions, dont chacune s'est vu conférer une part de

financiers ainsi qu'à la question des disparités régionales. J'ai bien l'intention de vous présenter, lorsque nous arriverons à cet article de l'Ordre du jour, une autre carte du Canada qui illustrera les disparités régionales. Monsieur le Président, je veux dire tout de suite qu'à mon avis les disparités régionales ne disparaîtront pas avec les modifications des frontières provinciales.

Néanmoins, monsieur le Président, en faisant ma déclaration d'ouverture, j'estime que je dois souligner l'importance nationale de la présente réunion en mettant de côté les préoccupations immédiates de ma province. J'ai l'intention de vous parler de la révision générale de la constitution, en vous faisant part de mes considérations sur notre situation actuelle et sur les mesures qu'il y aurait lieu de prendre à l'avenir.

Au départ, je veux réaffirmer la position que nous avons prise quant à la nécessité d'un gouvernement central fort. A la Conférence sur la Confédération de demain, j'ai déclaré que "dans la conjoncture actuelle, la puissance veut dire la puissance financière en vue d'assurer un domaine économique suffisamment étendu pour permettre d'exercer une influence politique et économique et réaliser par là les objectifs nationaux". J'ajouterais maintenant que le gouvernement fédéral doit avoir les moyens de régler efficacement les problèmes des inégalités économiques régionales. Tout en reconnaissant la nécessité d'un gouvernement "central" fort, nous n'apuyons pas pour autant l'idée d'un puissant gouvernement "centralisé". La centralisation des services gouvernementaux s'est avérée totalement inefficace pour remédier au déséquilibre qui s'est produit avec les années entre les différentes régions du pays. Je compte traiter de ces questions plus à fond au cours de la présente conférence. Mais avant de laisser cette question d'un gouvernement central fort, je tiens à résumer la position de ma province en citant l'un des Pères de la constitution américaine, James Wilson. En résumant le dilemme constitutionnel auquel les Etats-Unis avaient à faire face en 1787, celui-ci disait: "Chaque Etat a tenté de s'approprier une partie du lot commun pour l'ajouter à son propre lot, si bien qu'à la longue la Confédération a été réduite à cet état d'impuissance où elle en est actuellement... quel danger y a-t-il que l'ensemble sacrifie inutilement l'une de ses parties? Et, si nous renversons les choses, en laissant l'ensemble à la merci de chacune de ses parties, est-ce que l'intérêt général ne sera pas continuellement sacrifié aux intérêts

Allocution d'ouverture de
L'HONORABLE ALEX B. CAMPBELL
Premier Ministre

de
L'Île-du-Prince-Édouard
à la

deuxième réunion

de la

Conférence constitutionnelle

Ottawa, le 10 février 1969

(TRADUCTION)

Monsieur le premier ministre, je voudrais d'abord vous féliciter d'être arrivé au poste qui vous assure aujourd'hui la présidence de cette Conférence. Je vous drais aussi, au nom de notre province, vous exprimer notre reconnaissance pour cette invitation à revenir ici à ce genre de réunion afin de continuer nos discussions sur la révision constitutionnelle.

J'ai naturellement été très intéressé par la nouvelle carte du Canada qui vient de nous être dévolée par notre ami et collègue de la Colombie-Britannique, monsieur Bennett. Je me demande s'il pourrait nous dire quelle signification, s'il y en a une, est rattachée au fait que la Colombie-Britannique a été traitée à l'encre verte alors que les provinces de l'Atlantique sont à l'encre rouge?

L'HONORABLE W.A.C. BENNETT: Le rouge est une bonne couleur. Le rouge a toujours été la couleur des libéraux.

Monsieur le Président, vous comprendrez que je suis fortement tenté de saisir cette occasion pour soulever des questions d'intérêt économique qui sont cruciales pour l'Île-du-Prince-Édouard. Cependant, je crois que l'Ordre du jour fait sa place à la discussion des problèmes

**Allocution d'ouverture de
L'HONORABLE ALEX B. CAMPBELL
Premier Ministre
de
l'Île-du-Prince-Édouard
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969**

Nous sommes engagées maintenant dans ce qu'on a appelé "la révision globale de la constitution". Nous sommes tous d'accord. Il nous faudra regarder vers l'avenir; il nous faudra du courage et de la patience ainsi que toutes les qualités que possèdent les Canadiens si nous voulons tout-cher au but. Il ne faut pas que nous lassions de bien travailler alors que nous faisons face à cette grande exigence. La matière de la révision constitutionnelle est infiniment plus compliquée et beaucoup moins apte à faire l'objet d'un accord rapide que la question relativement simple du choix d'une méthode d'amendement de la constitution. Et pourtant, s'il a fallu des efforts intenses pour mener à bien la tâche plus simple, je me demande si nous n'avons pas maintenant entrepris une tâche irréalisable en raison des différences d'opinions qui existent entre nous sur les questions essentielles? (Je crois pourtant que nous trouverons une solution.) Je suis un optimiste. Monsieur le premier ministre, vous connaissez certainement la différence entre un optimiste et un pessimiste. L'optimiste est celui qui dit: "Je bois dans ce verre d'eau depuis le matin et il est encore à moitié plein." Le pessimiste est celui qui regarde le verre d'eau et dit: "Regardez-moi ce satané verre, il est déjà à moitié vide". Nous avons besoin d'optimistes. Les Canadiens sont des gens optimistes parce qu'il n'y a que ces gens là qui réussissent.

Pour témoigner des bonnes intentions de la Colombie-Britannique à propos de la révision globale actuellement en cours, je demande à tous les gouvernements de revenir à la proposition fondamentale sur le moyen d'amender la constitution au Canada, en tenant compte de l'entente réalisée plus tôt et en apportant à la formule les modifications qui en permettront, je l'espère, l'acceptation unanime en 1969. Monsieur le premier ministre, je voudrais que l'on considère les appendices à notre document, ainsi que nos deux cartes, comme faisant partie de notre déclaration d'ouverture.

Merci beaucoup.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci beaucoup
Monsieur le premier ministre Bennett.

Nous entendrons maintenant l'allocution d'ouverture de l'honorable M. Alex Campbell, premier ministre de l'Île-du-Prince-Édouard.

L'HONORABLE J.R. SMALLWOOD: Mais nous voulons autre chose que des dollars. Nous avons besoin de plus que cela.

L'HONORABLE W.A.C. BENNETT: Lorsque l'Ontario et le Québec ont avancé leurs frontières vers le nord, il n'y a pas eu de problèmes.

Compte tenu de l'essor gigantesque que connaît présentement la région septentrionale de la Colombie-Britannique, grâce à la mise en service des aménagements hydro-électriques de la rivière la Paix, et des lignes de communication que j'ai déjà mentionnées, il est non seulement logique des points de vue de la géographie et de l'économie, mais il serait également avantageux de part et d'autre -- toute entente avec qui que ce soit doit être avantageuse pour les deux parties et dans ce cas il y aurait des avantages pour les deux régions. Il serait également avantageux pour cette région septentrionale d'être rattachée à la province, afin de permettre d'établir un programme intégré de développement qui assurerait la pleine mise en valeur des énormes ressources de l'ensemble de ce territoire.

Les grands développements énergétiques du Yukon et ceux de la rivière Liard ont le même bassin hydrographique et ils devraient être développés ensemble. C'est là une question de sens commun.

Monsieur le premier ministre, mes dernières remarques se rapporteront à la question du dispositif de modification de la constitution.

Tout au long des cent premières années, l'Acte de l'Amérique du Nord britannique a, chaque fois que cela a été nécessaire, été l'objet de modifications d'une manière ou d'une autre, et cela à plusieurs reprises. La Colombie-Britannique, cependant, n'est pas satisfaite des fantaisies de la présente méthode d'amendement de la constitution. Je me rappelle que pendant une longue période, qui a abouti à l'entente signée à Charlottetown en 1964, tous les gouvernements ont participé à une série de réunions convoquées en vue d'en arriver à une entente sur une formule permettant d'amender la constitution du Canada. La Colombie-Britannique a été l'une des provinces qui a contribué à la solution adoptée. Et cependant, en dépit de l'accord unanime réalisé à cette époque, les événements qui ont suivi ont empêché l'application de la formule.

Fort Simpson. Nous construirions un autre chemin de fer au long de la côte, jusqu'à Whitehorse. Nous serions prêts à développer le Yukon et les Territoires du Nord-Ouest.

Avant d'avoir des revenus, il faut investir des capitaux. La Colombie-Britannique devra d'abord dépenser beaucoup d'argent. C'est ce que nous avons fait dans le nord de la Colombie-Britannique où, par exemple, nous avons investi plus de 500 millions de dollars dans le seul développement énergétique de la Rivière de la Paix.

L'HONORABLE J.R. SMALLWOOD: Je vous en prie, Monsieur Bennett.

Vous parlez là d'annexer à votre province et aux provinces des Prairies un territoire qui appartient à nous tous, n'est-ce pas?

L'HONORABLE W.A.C. BENNETT: Non.

L'HONORABLE J.R. SMALLWOOD: Non? Est-ce que ce territoire n'appartient pas au Canada?

L'HONORABLE W.A.C. BENNETT: Non. Vous avez amené votre territoire...

L'HONORABLE J.R. SMALLWOOD: Ce territoire appartient au Canada, n'est-ce pas?

L'HONORABLE W.A.C. BENNETT: Non.

L'HONORABLE J.R. SMALLWOOD: Les autres provinces seraient-elles indemnisées pour ce territoire?

L'HONORABLE W.A.C. BENNETT: Vous avez déjà des paiements de péréquation.

L'HONORABLE J.R. SMALLWOOD: Non.

L'HONORABLE W.A.C. BENNETT: Monsieur le premier ministre, un jour mon bon ami de Terre-Neuve a fait, à l'occasion d'une conférence comme celle-ci, une déclaration dramatique. Il a dit ceci: "Vous savez que ce fédéralisme coopératif est une bien grande chose; monsieur Bennett écrit un chèque en Colombie-Britannique et je l'encaisse à Terre-Neuve". Voilà, c'est comme ça.

modification des frontières de certaines provinces et l'abolition de certaines autres provinces en tant qu'entités distinctes afin de permettre la création de cinq entités politiques viables et efficaces correspondant aux cinq régions économiques du pays.

Songez un peu, monsieur le premier ministre, à l'efficacité accrue et à la réduction substantielle des charges imposées au contribuable canadien qui en résulteraient. Il nous faut penser de plus en plus à une diminution des coûts d'administration des divers gouvernements afin de pouvoir consacrer plus d'argent aux besoins de la population.

S'inspirant du principe des entités politiques correspondant aux régions économiques du pays, la Colombie-Britannique demande au gouvernement fédéral d'assurer par voie législative, le recul des frontières de chacune des provinces où la mesure serait applicable jusqu'aux limites septentrionales du Canada continental. Ceci a déjà été fait pour le Québec, l'Ontario et le Manitoba. De surcroît, les caractéristiques topographiques viennent à l'appui des communications et du commerce en direction nord-sud plutôt qu'en direction est-ouest.

Nous voyons ici une carte du nord du Canada, plus particulièrement du nord de la Colombie-Britannique. On y voit une Colombie-Britannique dont les frontières engloberaient une partie du Yukon - - ou encore un Yukon qui engloberait la Colombie-Britannique.

Monsieur le premier ministre, lorsque vous convoquez en justes noces, vous vous rendez compte que vous avez formé une association et ce n'est que le lendemain que vous saurez lequel des partenaires aura la primauté. C'est alors que vous le saurez. Peut-être bien que le Yukon et les Territoires du Nord-Ouest auront la primauté dans cette association. De toute façon, tout ce qui appartient à la Colombie-Britannique appartiendra aussi aux habitants du Yukon et des Territoires du Nord-Ouest.

Nous sommes à construire le prolongement vers le nord du Pacific Great Eastern Railway, jusqu'à Fort Nelson. Nous serions donc prêts à le prolonger de là jusqu'à Whitehorse, au Yukon.

Nous serions prêts à construire une route raccordée à la route de l'Alaska, qui se prolongerait jusqu'à

Le Canada s'en tire mieux que la plupart des autres pays, l'argent ainsi dépensé n'est pas remis directement aux citoyens. Depuis l'instauration des paiements de péréquation à certaines provinces, la comparaison entre celles-ci et les autres démontre que ce système ne change rien quant au fond du problème.

Nous aimerions que chaque Canadien ait un revenu garanti. Chacun préparerait sa déclaration d'impôt sur le revenu et ceux qui seraient imposables payeraient leurs impôts. Par contre, ceux qui n'auraient pas un revenu donné, compte tenu du nombre de personnes à charge, recevraient un supplément de revenu. L'argent circulerait ainsi dans les deux sens, ce qui ne serait que juste. Ceux qui retireraient beaucoup d'avantages du système actuel payeront des impôts au gouvernement et ceux qui sont les victimes du hasard - - - maladie, malchance, etc - - se verront assurer par l'Etat, c'est-à-dire par chacun de nous, un revenu qui leur permettra de vivre dignement. Ceci ne réglera peut-être pas toutes les difficultés mais ce serait un bon début.

Il va sans dire que tout programme tendant à relever le niveau de vie de toutes les personnes à faible revenu aura les plus grands effets bénéfiques dans les secteurs où le revenu insuffisant est le plus fréquent. Dans certaines régions il pourrait y avoir 40% des contribuables qui recevraient un supplément de revenu alors que d'autres il n'y en aurait que 5%. C'est comme ça que chacun pourra bénéficier de ces paiements. Si l'économie de toutes les provinces pouvait reposer sur des citoyens bénéficiant tous d'un revenu minimum garanti, leur niveau de vie s'en verrait immédiatement haussé. Je vous ferais remarquer que, peu importe quels seront les programmes gouvernementaux d'aide aux particuliers, la solution véritable ne sera possible que quand on aura donné une plus grande uniformité aux taux de salaire d'un bout à l'autre du pays. Evidemment nous savons que ceci prendra un certain temps mais il faut que ce soit commencé au plus tôt. Le premier souci des gouvernements devrait porter sur l'application de salaires minimums qui soient uniformes dans les industries assimilables dans toutes les régions du Canada.

A ce même propos, le moment est venu, je pense, de reconnaître que les réalités économiques exigent la

Les impôts sur le revenu des particuliers et des sociétés et les droits de succession.

Quand ces changements auront été faits, la constitution devrait, croyons-nous, limiter le pouvoir de dépenser du gouvernement fédéral aux domaines qui sont de sa compétence.

Monsieur le premier ministre, je dois dire que la Colombie-Britannique ne comprend pas la logique de certaines provinces qui disent que le gouvernement fédéral a le pouvoir d'imposer les provinces pour faire des paiements de péréquation alors qu'il ne l'aurait pas pour défrayer le coût de cette mesure sociale de premier plan qu'est l'assurance santé. Je ne comprend absolument pas la logique de ce point de vue.

Les tensions qui pèsent sur la nation à l'heure

actuelle, je tiens à le souligner, sont surtout de nature économique et financière. Si nous voulons que le Canada soit en mesure d'atteindre à la haute destinée à laquelle chacun de nous autour de cette table, j'en suis convaincu, le croit appelé, nous devons faire davantage pour assurer l'avvenir économique de tous les citoyens dans toutes les régions du pays. Je veux reprendre une très grande partie de ce qui s'est dit à ce sujet lors de la Conférence constitutionnelle de février dernier. Sans la solution

des problèmes que posent les disparités flagrantes dans les niveaux de vie et les perspectives économiques des citoyens à revenu modeste, partout où elles se rencontrent au Canada, l'étude de bon nombre des questions sur lesquelles nous nous penchons ces jours-ci peut se révéler presque vaine. Je ne cherche pas à minimiser l'importance des questions telles que la langue, la culture et la

révision générale de la constitution. J'affirme cependant que le Canada sera ce que, sans aucun doute, nous souhaitons tous qu'il soit, seulement si notre examen englobe les réalités économiques, et cela exige une franche évaluation des mesures nationales nécessaires pour améliorer la situation. La Colombie-Britannique estime que la solution réside dans l'aide directe aux personnes à faible revenu plutôt que dans d'importants versements inconditionnels à certains gouvernements provinciaux.

Les difficultés des programmes d'aide canadienne à travers le monde sont causées par le fait que, même si

Monsieur le premier ministre, la Colombie-Britannique reconnaît qu'un seul gouvernement au Canada peut représenter les intérêts de tous les Canadiens. Dans la mesure où il est nécessaire que le gouvernement fédéral ait la compétence et les pouvoirs voulus pour assurer la sauvegarde des intérêts collectifs de l'ensemble des Canadiens, la Colombie-Britannique n'a aucune objection. Nous considérons que les catégories de sujets énumérées à l'article 91 de l'Acte de l'Amérique du Nord britannique sont amplement suffisantes pour permettre au gouvernement fédéral de remplir efficacement son rôle. Nous n'admettons pas que le pouvoir de légiférer sur les questions résiduelles, non comprises présentement dans les rubriques énumérées à l'article 92, devrait également appartenir au gouvernement fédéral. C'est aux provinces qu'il faudrait attribuer le pouvoir de légiférer sur toutes les questions résiduelles, en plus des sujets énumérés à l'article 92 et de "toutes les matières qui, dans la province, sont d'une nature purement locale ou privée".

La Colombie-Britannique estime qu'il existe, en outre, certains domaines d'intérêt commun à l'égard desquels il devrait y avoir des pouvoirs constitutionnels correspondants et le partage des responsabilités.

En plus de ce partage des pouvoirs, tel que nous l'envisageons, la constitution devrait, selon nous, prévoir des rouages permettant la délégation réciproque des pouvoirs entre les gouvernements fédéral et provinciaux. De tels rouages, que la constitution ne comporte pas présentement, ajouteraient un élément de souplesse et d'accommodement dont une nation en plein développement peut avoir grand besoin.

Il est presque oiseux de dire que chaque gouvernement doit pouvoir taxer suffisamment pour être en mesure d'accomplir efficacement ses obligations constitutionnelles. Cependant, à en juger par les arrangements relatifs au partage des impôts des dernières années, il s'agit là d'un principe qu'on oublie souvent, apparemment, ou auquel on ne souscrit même pas.

Vu l'accroissement des responsabilités provinciales, particulièrement dans les domaines de l'éducation, de la santé et du bien-être, la Colombie-Britannique estime que la seule solution possible pour permettre aux provinces d'accomplir leur tâche serait la suivante: que le gouvernement se retire des domaines d'impôts directs, soit

A l'heure actuelle, au moins sept des neuf juges doivent être présents pour constituer le quorum lorsqu'il s'agit de questions constitutionnelles; nous préconisons le maintien de cette règle. Lorsque la validité constitutionnelle d'une loi d'une province particulière est en cause, la Colombie-Britannique estime souhaitable que les juges de cette province ou de la région dont cette province fait partie siègent à l'audition de la cause.

Tout comme le Sénat du Canada et les autres institutions liées au fédéralisme devaient représenter les besoins légitimes des diverses régions du pays dans le processus fédéral d'élaboration des lois, la Cour suprême du Canada doit, par sa composition reconnaître le régime fédéral du pays et tenir compte de sa diversité régionale. En conséquence, la Colombie-Britannique propose que les juges de cette Cour soient choisis dans chacune des cinq régions du Canada, mentionnées antérieurement, de façon qu'en tout temps la Cour suprême représente toutes les régions. Je vous prie de noter, monsieur le premier ministre, que nous ne demandons pas qu'ils soient nommés par les gouvernements provinciaux. Le Sénat, constitué tel qu'il a été antérieurement proposé, approuverait ces nominations du gouvernement central.

De l'avis de la Colombie-Britannique, la Cour suprême doit demeurer le tribunal de dernière instance pour le Canada. Un tribunal constitutionnel distinct se pencherait sur des questions de théorie plutôt que sur les réalités quotidiennes et pratiques de la vie; pour cette raison la Colombie-Britannique s'oppose à la création d'un tel tribunal et préconise le maintien de la pratique actuelle qui place les questions constitutionnelles sous la juridiction de la Cour suprême du Canada.

De plus, afin d'accroître la collaboration inter-régionale et afin de s'assurer que, dorénavant, le Sénat relèvera plus efficacement les aspirations légitimes des diverses régions, la Colombie-Britannique demande que tous les sénateurs soient nommés par les gouvernements provinciaux, de telles nominations étant pour une période déterminée, disons quatre ou cinq ans. De plus, on pourrait prévoir certains changements en cas de renversement dans la situation politique. Aussi les sénateurs seraient vraiment représentatifs et non pas inamovibles.

De toute façon, ceci n'est pas nouveau car il y a déjà eu douze changements dans les frontières canadiennes. Ceci n'est qu'un pas en avant dans le progrès du Canada. Si le Canada veut rivaliser avec les autres nations pour les marchés mondiaux, il faut qu'il soit fort. Il faut pouvoir réduire toutes ces dépenses gouvernementales si nous voulons notre part des marchés mondiaux afin de pouvoir donner des emplois à nos citoyens avec des salaires raisonnables. C'est comme ça que nous auront l'argent nécessaire pour alimenter les gouvernements municipaux et provinciaux ainsi que le gouvernement fédéral. C'est une question de logique pour nous.

Les Etats-Unis sont formés de cinquante Etats et ils ont dix fois notre population. Nos cinq régions seraient donc à peu près égales à leurs Etats. Nous vivons dans un monde où la compétition est dure et il nous faut y faire face, d'où qu'elle vienne.

S'il y en a parmi nous qui aimeraient voir ce beau travail du Gouvernement fédéral, nous serions heureux de leur fournir des copies de cette carte.

L'HONORABLE JOHN ROBERTS: Vous dites, monsieur Bennett, que vous feriez de l'Ontario la plus petite province du Canada et peut être aussi que nous recevions...

L'HONORABLE W.A.C. BENNETT: Laissez-moi vous dire qu'à une certaine époque l'Ontario était une très petite province. Vous avez eu les territoires du nord de l'Ontario. Pourquoi n'aurions nous pas les nôtres, pourquoi les Prairies n'auraient-elles pas les leurs? Vous ont droit à un traitement équitable!

Monsieur le premier ministre, si le Sénat canadien doit continuer d'exister, la Colombie-Britannique demande une nouvelle répartition de ses sièges en fonction des réalités d'aujourd'hui, de sorte que la Colombie-Britannique, à titre de région économique, ait une représentation égale à celle de chacune des quatre autres régions.

Il y a en ce moment quatre sièges vacants en Colombie-Britannique et, à mon avis, ce serait une vraie démonstration de fédéralisme coopératif que vous acceptiez de coopérer avec les provinces en nous demandant de choisir deux de ces sénateurs.

La population de la Colombie-Britannique s'accroît deux fois plus vite que celle du reste du Canada et nous souhaitons la bienvenue à tous les Canadiens qui veulent s'installer chez nous. En conséquence, la place de cette province comme région économique distincte se fait plus évidente de jour en jour.

L'HONORABLE J. SMALLWOOD: Je vous remercie de m'avoir fourni de nouvelles frontières.

L'HONORABLE W.A.C. BENNETT: Je voudrais expliquer...

L'HONORABLE J. SMALLWOOD: De cette frontière allant du Nord-Ouest au Nord-Est.

L'Honorable W.A.C. Bennett: Je sais ce que vous voulez dire, mon ami. Ce n'est pas là une de nos idées, mais bien une conséquence de l'histoire canadienne. Je remercie le ministre fédéral des Mines de m'avoir fourni cette carte sur l'histoire des frontières canadiennes. On y trouve douze modifications depuis 1867. Regardez comme tout était petit alors. Ils n'étaient pas pessimistes, il n'y avait pas de crises. Et puis, en 1870 elles ont grossi un peu. Regardez là, ce petit point sur la carte que l'on peut à peine voir; eh bien, c'est le Manitoba!

En 1873, la Colombie-Britannique est devenue partie de la Confédération. Nos frontières n'ont pas changé depuis; je dirais même que nous avons perdu, temporairement, notre territoire sous-marin.

Maintenant que vous avez vu une compagnie pétrolière se retirer de la Mer du Nord et que vous avez vu quelles difficultés les Américains ont connues au large de la Californie, je suis sûr que vous remettrez ce territoire avec plaisir. Les règlements des Etats américains sont trois fois meilleurs que ceux de l'Etat fédéral, et c'est pour cela qu'il y a des difficultés à mon avis. La réglementation de la Colombie-Britannique est très supérieure à celle du gouvernement fédéral et c'est pour cela que nous acceptons ce territoire car nous pouvons mieux l'administrer que vous.

Le contrôle à distance ne marche jamais. C'est pour cela qu'il n'y a pas de problème dans le port de Rotterdam mais qu'il y a des difficultés dans le port de Vancouver, avec tous ces bateaux et ce blé mouillé.

Ainsi que je l'ai déjà fait observer en février dernier, les gens ne viennent pas protester aux portes du Parlement fédéral et des Parlements provinciaux de ce pays du fait que les droits devant être garantis dans la constitution ont été négligés dans les décrets de notre droit coutumier, qui est en voie d'élaboration, ou dans les textes législatifs ou parlementaires déjà adoptés. Les discours prononcés ici aujourd'hui sont à l'appui de cette thèse.

La présente proposition fédérale semble entrer en conflit avec l'appel en faveur de l'unité dans la diversité, laquelle joue un rôle si important dans certaines parties du Canada; de plus, placer ces droits hors de la portée des institutions parlementaires du pays en les faisant figurer dans la constitution aurait pour effet de rendre encore moins souples les dispositions constitutionnelles selon lesquelles les Canadiens se gouvernent.

Un examen des articles de l'Acte de l'Amérique du Nord britannique qui traitent de la formation du Sénat canadien permet de constater que cet organisme était destiné à représenter les diverses régions du Canada et, par conséquent, à faire entrer en ligne de compte dans le processus législatif fédéral les besoins légitimes de ces régions.

Les réalités économiques d'aujourd'hui montrent l'existence de cinq régions au Canada, la cinquième étant la Colombie-Britannique. Le gouvernement fédéral a reconnu ce fait, car d'après les rapports du Bureau fédéral de la statistique et d'autres publications du gouvernement fédéral, les régions économiques sont les suivantes:

- (1) l'Atlantique
- (2) le Québec
- (3) l'Ontario
- (4) les Prairies
- (5) la Colombie-Britannique

Monsieur le premier ministre, les faits qui se sont produits depuis une semaine sont à l'appui de ma thèse. La presse déclare que les provinces de l'Atlantique se sont réunies juste avant la tenue de cette réunion. On voit donc qu'elles sont une seule région. On me dit aussi que les trois premiers ministres des Prairies se sont réunis la semaine dernière. C'est encore là une seule région.

législateurs, qui ont à rendre compte au peuple de leurs actes, ou de juges, qui ne n'ont pas à le faire. Si cinq juges de la Cour suprême du Canada étaient en mesure de rejeter les desirs des représentants élus du peuple, ce fait ne constituerait-il pas une négation de la démocratie? Prenons pour exemple la question de la procédure criminelle aux Etats-Unis. Quel est l'organisme dans la société qui décide de la procédure à suivre pour une affaire criminelle? Là encore, je suis d'avis que la formule canadienne actuelle, qui consiste à permettre au Parlement de trancher la question, l'emporte sur le système en vigueur aux Etats-Unis."

"Ceux qui préconisent le contrôle de la validité des actes législatifs par des tribunaux tiennent pour établi que ces tribunaux feront mieux que le gouvernement et qu'ils seront plus portés à défendre les intérêts du peuple. Ces gens oublient que les années d'expérience et l'âge peuvent contribuer à rendre ces personnes très conservatrices, vous comprendrez, monsieur le premier ministre, que je ne donne à ce mot aucun sens partisan et à les faire envisager les changements sociaux avec appréhension. Lors de la crise économique de 1929, la Cour suprême des Etats-Unis a exercé son pouvoir judiciaire de contrôle pour faire obstruction à des réformes sociales dont on avait grand besoin. Or ces réformes étaient préconisées par le président des Etats-Unis qui venait d'être élu. L'attitude de l'appareil judiciaire canadien à l'égard des tribunaux administratifs et de l'interprétation des lois démontre aussi que les autorités judiciaires ne se rendent parfois pas compte des besoins sociaux. Une déclaration des droits de l'homme faisant partie intégrante de la constitution permettrait aux tribunaux judiciaires de s'opposer à des réformes politiques. Lorsque les tribunaux rendent de mauvaises décisions sur les politiques adoptées, l'indépendance et l'autorité des pouvoirs judiciaires sont gravement compromises."

Il existe de meilleurs moyens de s'assurer effectivement que nos lois n'enfreignent pas les droits fondamentaux des citoyens et correspondent bien à notre idéal de justice et de liberté.

Avant d'être en mesure d'apporter une réponse satisfaisante à cette question, il nous faut en discuter toutes les répercussions. Monsieur le premier ministre, nous voulons des explications à ce sujet. Comme c'est le cas de nombreuses autres propositions présentées au cours de la présente réforme constitutionnelle, on ne s'arrête pas assez, à mon avis, aux répercussions de cette proposition. Nous devons étudier celles-ci pour être en mesure de prendre une décision intelligente quant aux changements à apporter.

Le premier effet d'une déclaration des droits de l'homme intégrée serait de restreindre la portée du principe de la suprématie législative, principe qui a toujours été la doctrine fondamentale de notre régime parlementaire de type britannique. Pouvons-nous présentement nous permettre, au Canada, de faire abstraction de ce principe de suprématie parlementaire qui nous a si bien guidés au cours de ces cent premières années? N'oublions pas non plus qu'une telle restriction à la suprématie législative se ferait dans une plus grande mesure au détriment des pouvoirs des provinces qu'à ceux du gouvernement fédéral, étant donné que la propriété et les droits civils relèvent des parlements provinciaux.

La répercussion la plus grosse de conséquences de la proposition serait de permettre aux tribunaux, plutôt qu'au Parlement et aux Assemblées législatives, de se prononcer en dernier ressort sur des questions fondamentales du régime. Nous sommes formellement opposés à une telle chose. Ce point a été énoncé avec clarté par le professeur D.A. Schmeiser, de la faculté de droit de l'université de la Saskatchewan, dans une causerie adressée à l'Association du Barreau canadien le 3 septembre 1968, à Vancouver. Dans cette causerie, il a déclaré que - et je veux que vous sachiez bien que ce sont ses paroles et non les miennes :

"... L'aspect d'une garantie constitutionnelle qui présente le plus de difficultés est le fait que les tribunaux, par leur contrôle judiciaire de la validité des actes législatifs, plutôt que le Parlement, auront le dernier mot sur les questions fondamentales du régime. Dans tout différend social, les solutions possibles sont des décisions politiques, non des décisions typiquement judiciaires, et la question à envisager est celle-ci : de telles décisions doivent-elles être le fait de

Il ne nous paraît pas opportun que le gouvernement fédéral adopte une semblable mesure législative sur un sujet que la Colombie-Britannique considère comme étant de fait une modification à la constitution, ou tout au moins quelque chose de très voisin, et ce à un moment où une réforme complète de la constitution est en cours.

Peu de temps avant la Conférence constitutionnelle de février de l'année passée, le gouvernement fédéral avait rendu public une documentation de base ainsi que le texte d'une proposition à l'effet de faire intégrer dans la constitution du Canada une déclaration des droits. A cause du peu de temps dont ont disposé les représentants provinciaux pour étudier les répercussions de la proposition, la Colombie-Britannique n'a pas fait reconnaître à l'époque son point de vue sur le principe d'une telle intégration. A présent, la Colombie-Britannique est en mesure de faire les constatations suivantes :

Le projet de Déclaration des droits se divise en cinq parties :

- Les droits politiques
- Les droits juridiques
- Les droits à l'égalité
- Les droits linguistiques
- Les droits économiques.

Pour les raisons que j'ai déjà mentionnées, la Colombie-Britannique ne peut appuyer une déclaration des droits de l'homme qui engloberait les droits linguistiques. D'ailleurs, les droits linguistiques sont loin d'être les droits naturels qui par tradition ont bénéficié d'une protection constitutionnelle dans les provinces qui ont adopté des déclarations des droits de l'homme.

Au sujet des droits fondamentaux, qu'il me soit permis de préciser clairement des maintenant que le gouvernement de la Colombie-Britannique soutient fermement la proposition voulant que la loi traite avec justice et impartialité tous les citoyens de sa province et ceux du Canada entier. De ce point de vue, nous accordons notre appui total à la proposition que les droits fondamentaux de l'individu soient inscrits dans une loi. La question qui nous occupe est la suivante : ces droits seront-ils le mieux protégés en étant inscrits dans une déclaration intégrée dans la constitution, tel qu'on le propose ?

de la Cour supérieure et des cours de comté de notre province. Et pourtant, voilà que le gouvernement fédéral présente ce projet de loi, sans consultation préalable avec les provinces.

La Colombie-Britannique s'inquiète d'autres répercussions du projet de loi. Nous craignons que les dispositions de ce dernier ne "ferment la porte" de la fonction publique fédérale et de ses organismes aux Canadiens unilingues anglais et qu'elles ne limitent considérablement les chances d'avancement des fonctionnaires unilingues anglais déjà en poste. Il est peut-être trop tôt pour étayer ces craintes de statistiques sûres, mais on rapporte qu'il y a eu, d'après les données connues, une augmentation marquée du nombre de nominations de personnes bilingues aux postes supérieurs de la fonction publique. Par exemple, l'an dernier 24 pour cent d'un échantillon de 401 postes de la fonction publique correspondant à un traitement de \$10,000 à \$15,000 ont été confiés à des personnes bilingues. Jusqu'ici cette année la proportion est de 31 pour cent. Au niveau de plus de \$15,000, le pourcentage est passé de 25 pour cent à 33 pour cent depuis l'an dernier. Une tendance beaucoup plus révélatrice se dégage chez les "stagiaires en administration", ordinairement diplômés d'université qui se préparent à occuper des postes supérieurs au service de l'Etat. En 1965, seulement 17 pour cent des 108 stagiaires engagés étaient bilingues, alors que jusqu'ici cette année 171 (ou 46 pour cent) le sont. Puis-que la majorité des habitants de l'Ouest canadien ne parlent pas français et n'ont pas l'occasion de le faire, il est évident qu'ils sont nettement désavantagés pour accéder à un poste dans la fonction publique fédérale.

Par ailleurs, la constitutionnalité du projet de loi est très douteuse. Le projet de loi représente certes une extension de l'article 133 de l'Acte de l'Amérique du Nord britannique et, si cela ne suffit pas pour qu'il soit anticonstitutionnel, il peut bien l'être du fait qu'il vise à généraliser le bilinguisme dans les tribunaux provinciaux, vu que "la constitution tant civile que criminelle" des tribunaux, de juridiction tant civile que criminelle" est du ressort exclusif des provinces aux termes de la rubrique 14 de l'article 92 de l'A.A.N.B.

des caractères de la population et aussi des citoyens canadiens dont la langue maternelle n'est ni l'anglais, ni le français.

Le 7 octobre 1968, - je le dis sans acrimonie, monsieur le premier ministre, - sans demander l'avis des provinces, le gouvernement fédéral a présenté à la Chambre des communes le Bill C-120, loi sur les langues officielles. L'article 2 du projet de loi stipule que: "Les langues anglaise et française sont les langues officielles du Canada pour toutes fins du Parlement et du gouvernement fédéral." Je veux dire que nous n'aurions jusqu'ici rien à dire, car, au premier abord, ces mots semblent indiquer que les questions traitées dans le projet de loi intéressent peu les provinces et concernent exclusivement le gouvernement fédéral. Une étude plus attentive indique cependant que tel n'est pas le cas. Le projet de loi permet à une personne accusée d'un crime, ou à son avocat, d'être entendu dans une cour provinciale, soit en français soit en anglais, et au gré du tribunal, que les procédures se déroulent dans l'une ou l'autre langue. Ce sont là des cours provinciales. Cependant, les juges y sont nommés par le gouvernement fédéral. Un juge pourrait décider que oui, et un autre que non; cela nous mettrait dans une situation difficile. Nous n'avons aucun problème en ce moment car nos cours ont des interprètes pour tous les témoins, quelle que soit leur langue.

Je vous demande donc, monsieur le premier ministre, pourquoi nous créerions un problème là où il n'y en a pas en ce moment? Plusieurs membres du Barreau, dans toutes les provinces, ont donné leur point de vue à ce sujet. Je ne crois pas que nous devrions introduire des difficultés dans un domaine où il ne s'en trouve pas.

Nous sommes au courant de la situation qui existe dans certaines autres provinces, surtout dans mon ancienne province, le Nouveau-Brunswick, ainsi que dans la province de Québec et peut-être dans l'Ontario. Nous sommes d'accord alors parce que ces provinces ont une politique précise sur cette question et qu'il s'y trouve un fort pourcentage de francophones.

Le gouvernement fédéral a-t-il étudié les conséquences de cette mesure dans certaines provinces? Par exemple, je doute qu'un seul des quelques quarante juges

J'aimerais bien qu'il y ait en Colombie-Britannique un plus grand nombre de francophones. Actuellement, dans notre province, il y a proportionnellement moins de citoyens dont la langue maternelle est le français qu'à l'entrée de la Colombie-Britannique dans la Confédération en 1871. Ils sont les bienvenus chez-nous. Nous en avons déjà quelques-uns à Maitlandville. Notre Commission scolaire - nous en avons qu'une, - a l'an dernier introduit l'usage du français, d'abord à la maternelle et ensuite en première année. Nous sommes prêts à faire ceci partout dans notre province où il y a des gens qui veulent faire leurs études en français. Nous invitons donc les Canadiens-français à venir s'établir chez-nous.

C'est aussi le cas d'autres provinces. Le droit à titre de garantie constitutionnelle, de s'exprimer en anglais et en français est aussi inutile dans ces régions du Canada que le fait d'exiger que tout Canadien parle la langue des Indiens, premiers fondateurs du pays. C'est un problème proprement canadien que celui des Indiens. Dans le budget que j'ai présenté vendredi dernier, la Colombie-Britannique met sur pied un fonds permanent de vingt-cinq millions de dollars, fonds qui, s'il est placé à 7%, par exemple, rapporterait chaque année près de deux millions de dollars. Ceci est en plus des dépenses fédérales et des dépenses que nous assumons pour tous les Canadiens en général. Les revenus de ce fonds ne serviront pas à dire aux Indiens ce qu'ils doivent faire, mais bien à leur permettre de préserver leur propre culture. Nous allons leur demander comment nous pouvons leur aider à s'aider eux-mêmes, dans le domaine culturel, dans le domaine de l'éducation, et dans le domaine de l'expansion économique.

Si le peuple du nord a la sagesse de se joindre à nous, nous aurions aussi des Esquimaux dans notre province. Ce sont des gens merveilleux et nous leur créerions un fonds semblable afin qu'ils puissent préserver leur culture. Je pense à ces gens là, ces gens qui ont été les premiers citoyens de notre pays. Je crois que les Canadiens devraient y penser plus souvent.

Je le répète, nous sommes prêts, en Colombie-Britannique, à favoriser sans réserve le développement de la culture et de la langue des deux principales communautés culturelles et linguistiques du Canada, en tenant compte

La Colombie-Britannique reconnaît que les principales langues et cultures de la société canadienne d'aujourd'hui sont les langues et cultures anglaises et françaises, et il faut les conserver, les encourager et les protéger, non pas parce que la Confédération provient de l'union de ces deux races et cultures, car d'après la Colombie-Britannique, ce n'est pas là ce que démontre l'histoire, mais plutôt à cause de leur valeur intrinsèque et des avantages que peut en tirer le pays. Nous reconnaissons de plus qu'il y a six millions de Canadiens dont l'origine ethnique n'est ni anglaise ni française. Nous ne voulons pas que des mesures constitutionnelles fassent de ces Canadiens des citoyens de deuxième classe.

Il convient donc de se poser la question suivante:

Quels sont les meilleurs moyens de protéger et de développer les diversités ethniques et culturelles dont le Canada se compose? Selon la Colombie-Britannique, on ne saurait trouver la réponse dans les termes impersonnels d'une constitution. En fait, la constitution influe peu sur la vie des gens, en ce qui concerne leur langue et leur culture. Notre attitude vis-à-vis des droits linguistiques et culturels n'épouse pas les considérations juridiques d'une constitution mais reflète plutôt en dernière analyse, les habitudes et attitudes personnelles, et les besoins pratiques de la population d'une nation. Lorsque chacun, encouragé par son propre gouvernement, reconnaîtra la valeur réelle d'une autre langue et d'une autre culture, c'est à ce moment que la culture et la langue fleuriront et enrichiront le patrimoine canadien.

Le Canada est un grand pays dont les villes d'importance sont soit anglaises, soit françaises. Il ne convient pas, à cause de la dispersion des Canadiens de langue française dans bon nombre de régions, d'établir une constitution qui exige l'égalité des droits linguistiques et culturels d'un bout à l'autre du pays. La Commission sur le bilinguisme et le biculturalisme a reconnu ce fait, et les mesures qu'elle a proposées dans son premier rapport n'étaient pas, pour la plupart destinées à devenir des modifications constitutionnelles, mais plutôt des mesures législatives applicables aux secteurs ou la population canadienne-française justifiait pareilles mesures.

financier, nous permettrait, mieux que tout autre régime politique d'accomplir notre destinée.

J'ai passé dix ans dans les Prairies et j'y ai vu des gens venus de l'Europe centrale coloniser le pays, y construire leurs huttes de terre. De ces huttes de terre nous sont venus les chefs de file des Prairies, les médecins, les avocats, les professeurs et les autres. Ces gens là aussi veulent faire partie de la vie canadienne. Ils ne veulent pas que le Canada soit séparé en deux entités : anglaise et française.

Je crois qu'il ne devrait pas y avoir de Canadien-ci et de Canadien-ga. Qu'on le prononce "Canadian" ou "Canadien", cela n'a pas d'importance. Que nous soyons des Canadiens-allemands, des Canadiens-français, des Canadiens-anglais, des Canadiens-écossais, des Canadiens-gallois ou des Canadiens-acadiens, tous nous devons être des "Canadiens". Nous devons nous débarrasser de tous ces traits d'union et le montrer à la face du monde. Quand nous allons à l'étranger, monsieur le premier ministre, nous portons avec fierté la feuille d'érable et nous proclamons la tête haute notre statut de Canadiens. Nous ne disons pas que nous sommes des Canadiens-anglais, ou toute autre sorte de Canadiens. J'aimerais bien que cette conférence déclare que nous sommes des Canadiens, ni plus, ni moins. Je désire ceci parce que je crois qu'il n'y a pas au monde de titre plus élevé que celui de Canadien.

Personne n'a peur de nous car nous n'avons pas assez d'armes. Ils savent que nous ne voulons pas leurs terres car nous avons les nôtres, même s'il nous manque encore le Yukon et les Territoires du Nord-Ouest. Les Canadiens qui vont à l'étranger sont donc mieux reçus que les citoyens de toute autre nation. Nous devrions être fiers d'être Canadiens. Même si nous ne vantons pas beaucoup notre pays, je crois que le peuple du Canada devrait pouvoir dire à la face du monde qu'il est fier d'être Canadien, sans trait d'union, et qu'il est prêt à coopérer avec toutes les nations du monde qui sont de bonne volonté et qui veulent construire une meilleure vie sur notre continent.

Compte tenu de la diversité des cultures et des origines ethniques de son peuple, le Canada peut envisager un avenir très riche à cause de ce patrimoine.

proverbe qui dit que lorsque tout le monde pense à la même chose, personne ne pense. Notre pays doit être uni, mais lorsque vous avez une moitié de continent peuplée de gens virils appartenant à cinq régions et ayant une culture différente, vous ne pouvez penser en termes d'uniformité. Mais il peut y avoir de l'unité dans le respect du point de vue de l'autre.

C'est ce que nous avons au Canada. C'est ce genre de compréhension qu'a le peuple de la Colombie-Britannique, surtout envers le Québec. Et vous êtes au courant de ce qui en est, monsieur le premier ministre, quant au peuple du Québec. Je veux que vous transmettiez aux citoyens du Québec mes meilleurs vœux, ainsi que les vœux de toute la Colombie-Britannique. Nous savons que vous êtes le rempart du Canada et que vous le resterez.

La Colombie-Britannique est heureuse de rencontrer les représentants des autres gouvernements du Canada et de poursuivre les discussions sur la révision de la constitution canadienne.

La Colombie-Britannique est d'avis que la constitution lui a, en général, été utile, qu'elle s'est révélée vitale et souple, à même de s'adapter et de faire face aux problèmes croissants d'une nation. Bien que pour nous, en Colombie-Britannique, l'Acte de l'Amérique du Nord britannique ne soit pas une chose sacro-sainte nous reconnaissons cependant la valeur de l'une des plus anciennes constitutions chez les démocraties occidentales. Avec quelques modifications - quelques-unes de conséquence, et le rapatriement du pouvoir de modification, ce dont je reparlerai bientôt, cet Acte peut fort bien demeurer la constitution qui sera à la base du grand avenir du Canada.

En effet, le Canada de Terre-Neuve au territoire du Yukon, et vous savez monsieur le premier ministre quel intérêt nous portons au Yukon, est voué à un brillant avenir, auquel la Colombie-Britannique entend prendre part et contribuer.

À notre avis, un régime gouvernemental, dont la Reine serait le chef d'Etat et qui serait fondé sur l'égalité et la justice pour tous les citoyens canadiens, sans distinction de race, de culture, de religion ou d'état

pourraient détruire le Canada car les Canadiens d'un océan à l'autre veulent rester Canadiens.

Je suis né au Nouveau-Brunswick. A l'occasion, mes amis des Etats-Unis me demandent: "Quand deviendrez-vous partie des Etats-Unis, monsieur le premier ministre?" Je n'ai jamais eu de difficulté à répondre à cette question. Je dis toujours "Non, nos citoyens ont laissé les Etats-Unis à l'occasion d'un thé qui avait mal tourné et n'y retourneront pas, même pour prendre le café".

J'ai aussi eu le plaisir de passer dix bonnes années en Alberta. J'avais là un associé, le seul associé que j'ai jamais eu en affaires, un Canadien-français merveilleux.

J'ai alors appris à connaître les vraies valeurs du peuple canadien français. Je suis donc un de ceux qui, comme vous, est heureux de voir que le Canada ne va pas se diviser. J'espère bien que nous n'entendrons plus parler de "crise" et que nous n'entendrons plus dire que "le Canada va être divisé", et ainsi de suite. Et pourquoi? Parce que, si une partie du Canada voulait se séparer, je vous demande sérieusement où elle irait? Ou irait-elle? Il n'y a pas de place où l'on puisse aller qui soit même une moitié de cette nation.

C'est avec plaisir que j'ai suivi le discours de mon bon ami le premier ministre du Québec. Si j'ai bien compris, il a dit que les droits linguistiques ne sont pas à la base des problèmes du Québec. Il a dit qu'il n'était pas question que tout soit pareil, qu'il serait regrettable d'appliquer les mêmes politiques de la même façon à toutes les provinces. Et il parlait alors des droits linguistiques. Permettez-moi de dire que je décrirais ceci en ce moment comme le fait d'un grand homme d'Etat.

L'HONORABLE JEAN-JACQUES BERTRAND: Ce n'est pas tout ce que j'ai dit.

L'HONORABLE W.A.C. BENNETT: Je sais que vous avez dit autre chose et que les Canadiens ont eu l'occasion de l'entendre, monsieur le premier ministre. Mais vous avez aussi dit ce que j'ai cité et pour nous, de la Colombie-Britannique, c'est la partie la plus importante de votre discours et nous nous en souviendrons. Il y a un vieux

que le Canada a besoin de cet homme au franc parler qui dirige les destinées de la Saskatchewan.

Il y a un an, tout juste avant la première réunion de la Conférence constitutionnelle, nous avons eu l'honneur de vous recevoir dans notre province, monsieur le premier ministre. Vous étiez alors ministre de la Justice et nous avons trouvé votre visite fort utile.

LE TRÈS HONORABLE P.E. TRUDEAU: Je convoitais un poste au sein de votre Cabinet.

L'HONORABLE W.A.C. BENNETT: Je vous avais bien fait un offre mais vous avez décroché quelque chose de mieux;

Je suis heureux aussi que l'actuel ministre de la Justice, un ancien citoyen de notre province, nous ait rendu visite tout juste avant le début de cette réunion. Non seulement voulait-il faire partie de mon Cabinet... non, il ne voulait pas faire partie de mon Cabinet mais son parti aurait bien voulu qu'il accepte la direction d'un de nos partis politiques provinciaux. Je suis heureux que vous l'ailliez gardé à Ottawa, monsieur le premier ministre.

LE TRÈS HONORABLE P.E. TRUDEAU: J'espère bien qu'il ne sera pas promu trop tôt.

L'HONORABLE W.A.C. BENNETT: En tant que premier ministre de la Colombie-Britannique, je dois avouer ma satisfaction quant aux discours qui ont été faits jusqu'ici. Cela est tellement différent de ce qui s'est passé l'an dernier. Vous vous souviendrez que je me suis alors rendu très impopulaire en faisant remarquer que ceux qui avaient parlé avant moi avaient dans leurs discours employé le mot "crise" 142 fois. J'avais alors dit qu'il n'y avait pas de crise chez nous et aujourd'hui personne n'a mentionné ce mot.

Comme vous, j'ai pu voyager à travers le monde et je n'échangerais pas le sort des Canadiens contre celui de nul autre peuple. Nous avons nos bons moments et nous avons nos problèmes, mais il n'y a pas de crise dans notre nation. Il n'y a pas un gouvernement, pas un parti politique, même pas trois ou quatre gouvernements, qui

Allocution d'ouverture de

L'HONORABLE W.A.C. BENNETT

Premier Ministre

de la province

de la

Colombie-Britannique

à la

deuxième réunion

de la

Conférence constitutionnelle

Ottawa, le 10 février 1969

(TRANSCRIPTION)

Monsieur le premier ministre, mesdames et
messieurs :

Je voudrais tout d'abord profiter de l'occasion pour vous féliciter, monsieur le Président, de votre accession au plus haut poste électif de notre pays. Cela ne semble pas être un travail trop difficile, monsieur le premier ministre. Je ne suis premier ministre de ma province que depuis peu d'années mais durant ce temps j'ai travaillé avec quatre premiers ministres canadiens. Deux de ces personnes sont parmi nous aujourd'hui, et on me donne à savoir que l'autre, Monsieur St-Laurent est aussi en fort bonne santé. Je veux donc vous souhaiter aussi une bonne santé et une longue vie politique.

Je suis heureux de voir que le premier ministre de la province de Québec est ici et qu'il a l'air en excellente santé. Je dirais même qu'il est tellement bronzé qu'il semble le plus vigoureux d'entre nous.

Je suis désolé de voir que M. Thatcher n'est pas ici; on me dit qu'il a été très malade. Nous espérons qu'il se remettra bientôt. Nous prions dans ce but, parce

Allocution d'ouverture de
L'HONORABLE W.A.C. BENNETT
Premier Ministre
de la province
de la
Colombie-Britannique
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

LE TRÈS HONORABLE P.E. TRUDEAU: Merci beaucoup,
monsieur le premier ministre Weir.
Nous entendrons maintenant l'allocation d'ouverture
de l'honorable monsieur Bennett, premier ministre et
ministre des Finances de la Colombie-Britannique.

Le Manitoba a choisi de soumettre ses propositions aux premiers ministres plutôt qu'au Comité permanent des fonctionnaires. À nos yeux, la question d'étudier la constitution en vertu de laquelle nous continuerons d'exister en tant que nation est tellement vitale que les principes qui seront englobés dans toute constitution nouvelle ou modifiée doivent être étudiés directement au niveau de ceux qui sont appelés à prendre des décisions, c'est-à-dire au niveau des élus du peuple canadien.

En vue de quoi le gouvernement du Manitoba propose, et même recommande fortement, qu'un nouveau Comité permanent, formé de ministres représentant chaque secteur juridique, soit formé afin d'orienter le cours des études constitutionnelles dans lesquelles nous sommes engagés. Évidemment représentatif des divers gouvernements élus dans les provinces et à Ottawa, ce Comité sera mieux en mesure d'entreprendre les travaux permanents d'étude et d'évaluation.

Il est évident qu'un personnel de fonctionnaires hautement qualifiés doit poursuivre les recherches et les services de soutien exigés par l'étude de la constitution. Mais il n'est pas juste qu'ils prennent des décisions dans ce domaine ou qu'ils dirigent des recherches qui sont la responsabilité des chefs politiques du pays.

Ce nouveau Comité devrait faire rapport aux premiers ministres, et serait aidé par le Comité permanent actuel formé de hauts fonctionnaires.

Monsieur le premier ministre, le présent mémoire contenant nos propositions souligne que la constitution actuelle doit être le point de départ de toute modification constitutionnelle. La constitution actuelle nous a été utile; elle a protégé la pluralité culturelle de notre pays, et en a rehaussé le développement dans son ensemble.

En étudiant la réforme constitutionnelle destinée à répondre aux exigences de notre pays durant le second siècle de la Confédération canadienne, procédons dans le même esprit qui a incité les Pères de la Confédération à créer une nation vraiment florissante d'un océan à l'autre.

En attaquant le problème de l'heure, souvenons-nous de l'ampleur des valeurs positives qui ont déjà trouvé le jour au Canada, et continuons à bâtir sur ces solides fondations. Merci.

Pour terminer, donnons avec fierté le nom de "Constitution du Canada" au document final issu de notre travail. Nous espérons que bon nombre de caractéristiques de l'Acte de l'Amérique du Nord britannique seront maintenues dans une nouvelle constitution, et qu'elles deviendront le fondement de cette dernière. Néanmoins, le résultat final doit être la "Constitution du Canada", aussi bien de nom que de fait.

Les dispositions constitutionnelles actuelles concernant les droits linguistiques doivent être maintenues et étendues au moyen d'un processus graduel à mesure que les citoyens seront prêts à lui accorder leur appui. Nous avons tous la responsabilité de fournir à nos citoyens un leadership progressiste afin de leur aider à accepter ce processus. Toute tentative d'étendre les avantages linguistiques au-delà de ce que le public peut accepter va à l'encontre de la règle fondamentale de la démocratie parlementaire. L'Acte de l'Amérique du Nord britannique prévoit l'usage officiel de l'anglais et du français au Parlement du Canada, au Parlement du Québec, à la Cour suprême, à la Cour de l'Échiquier, et devant les cours du Québec. Toute autre législation portant sur les privilèges linguistiques n'en assurerait pas l'extension; cela réussirait mieux en s'attaquant au problème d'une autre façon. Nous avons un exemple de cette méthode avec l'amendement à la Loi des écoles publiques, au Manitoba, laquelle permet l'utilisation du français comme une des langues d'enseignement.

Les Manitobains savent que l'un des aspects particuliers du patrimoine canadien, dont nous sommes tous fiers, est la diversité des cultures qui existent chez-nous et la contribution que les divers groupes ont fait à la croissance et au développement de la nation.

À ce sujet, je voudrais faire remarquer que nous ne discutons pas du principe ou du contenu de ce projet de loi, mais seulement de la compétence légale du gouvernement fédéral quant à certaines parties dudit projet.

Le Manitoba appuierait toute initiative en ce sens. L'ensemble du projet de loi relève des pouvoirs actuels du gouvernement fédéral, dans le cadre de la constitution. L'établir si l'autorité de mettre en vigueur une partie ou prudent de soumettre ces questions à la Cour suprême afin présente ce genre de loi, ils jugent qu'il serait plus question des langues. En raison des implications que du gouvernement du Canada vis-à-vis ce bill touchant la

Premièrement, la priorité doit être donnée à la recherche d'une formule qui permettrait d'amender notre constitution actuelle. La formule Fulton-Favreau semble être un excellent moyen d'amorcer la discussion. On devrait demander au Parlement du Royaume-Uni de décréter une loi qui permettrait d'amender la constitution canadienne et d'abroger son pouvoir de promulguer toute législation future intéressant le Canada.

De cette façon, toute constitution nouvelle ou révisée serait décrétée par des corps législatifs canadiens. Il s'agirait assurément de la seule et juste manière de procéder.

En second lieu, chaque province devrait pouvoir modifier sa constitution interne à condition que cela ne soit pas contraire à l'esprit ou aux dispositions de la constitution du Canada. Chaque province devrait jouir du maximum d'autonomie possible, dans le cadre du concept d'une nation unique.

Troisièmement, en ce qui a trait à la répartition des pouvoirs résiduels, le Manitoba adopte l'attitude générale que l'équilibre entre les responsabilités juridiques et les revenus soit rétabli. À cet égard, nous devons rechercher une formule de répartition des pouvoirs permettant et coordonnant l'exercice des pouvoirs de portée nationale et locale. Il s'agit certainement d'une exigence difficile à remplir, mais qui ne devrait pas être au-dessus de nos forces si un climat de collaboration voulu est rétabli entre les deux paliers de gouvernement.

Quatrièmement, l'étude de la constitution fournit une excellente occasion de reconstituer le Sénat de manière à ce qu'il représente avec plus de justesse les opinions et les intérêts des provinces, ainsi que ceux de tous les Canadiens. Nous avons discuté de l'aspect pragmatique et de la souplesse de notre démocratie parlementaire. Dans ce contexte de souplesse le Sénat pourrait offrir un forum constitutionnel grâce auquel les intérêts régionaux, culturels seraient renforcés. Chez notre pays jumeau, l'Australie, le Sénat est composé à parts égales de membres de chacun de ses États. Le même système pourrait avantagerusement être mis en vigueur au Canada, ou la diversité nationale est encore plus évidente.

Cinquièmement, en ce qui concerne le projet de loi fédéral C-120, un certain nombre de provinces et de conseillers juridiques ont mis en doute la compétence juridique

L'autorité s'incarne dans la personne de la Reine du Canada. La monarchie constitutionnelle a très bien réussi dans les conditions canadiennes.

La monarchie est au-dessus de toutes considérations politiques et elle est bien placée pour symboliser l'unité des diverses régions et peuples du Canada qui ont donné tant d'envergure à notre héritage. Grâce au principe de la monarchie, nous avons une association enrichissante, unique dans l'histoire, avec des gens de divers pays, de diverses croyances et de diverses races.

Le Canada, grâce à la souplesse de son système parlementaire, possède la possibilité constitutionnelle de garantir que chaque groupe, dans chaque région de notre pays - familiarisé avec les conditions locales - peut déterminer la voie appropriée que chacune des régions peut choisir dans la Confédération. Plutôt que d'adopter un rigide système "congrégationnel", la démocratie parlementaire doit être maintenue. Notre système est riche d'une expérience politique de 700 années, et il permet une approche plus souple et plus réaliste applicable à l'autorité gouvernementale.

Notre gouvernement doit refléter les différentes conditions géographiques et culturelles du Canada. Les disparités régionales ne sont pas le résultat d'un défaut de notre système de gouvernement, mais plutôt de notre absence de volonté de rendre ce système efficace.

Dans notre constitution, non seulement la juridiction du gouvernement provincial doit être confirmée, mais les provinces doivent aussi voir leur situation assurée sur une base financière appropriée. Ce n'est qu'alors que les provinces pourront faire face avec efficacité à leurs responsabilités sur le plan local. La constitution doit confirmer l'égalité constitutionnelle de toutes les provinces, tout en leur permettant d'apporter chacune leur propre contribution au développement politique, économique, social et culturel du Canada.

Ce sont là quelques-unes des lignes générales que contiennent nos "propositions". Elles ont pour objet de faire face à la nécessité fondamentale et urgente de lier plus étroitement les cultures et régions si diversifiées de notre pays.

J'aimerais vous faire quelques suggestions précises.

L'emploi de techniques diversifiées pour en assurer le développement.

Dans un pays aussi vaste et aussi diversifié que le nôtre, il ne saurait y avoir de paracée pour le progrès social et économique. Il faudra que chaque région cherche elle-même sa voie et formule en conséquence l'ordre de priorités qui lui convient. Il faut être sur place pour connaître assez entièrement les conditions locales nécessaires pour être en mesure d'indiquer les voies à suivre. C'est pourquoi les considérations qui ont poussé les Canadiens, il y a cent ans à superposer au régime parlementaire britannique la souplesse du fédéralisme sont encore plus pertinentes même aujourd'hui malgré les changements révolutionnaires qui se sont produits dans les domaines des transports et des communications depuis cette époque.

Le fédéralisme est un régime qui convient au Canada, non pas d'un point de vue philosophique abstrait, mais parce qu'il nous a dotés d'un gouvernement structuré en fonction de nos conditions géographiques et culturelles diversifiées; parce que c'est un régime qui prévoit une combinaison des possibilités institutionnelles nécessaires pour l'évaluation et la solution des problèmes régionaux par ceux qui les connaissent le mieux, dans un cadre national de politiques financières, monétaires et commerciales.

Dans les "propositions" du Manitoba, nous insistons sur l'existence, dans la constitution actuelle, de bien des choses qui doivent être conservées et révisées. L'Acte de l'Amérique du Nord britannique nous a bien servis. Il a créé une nation forte et fière. Il a protégé et préservé l'identité culturelle et linguistique de notre Confédération et la présente constitution en a permis l'épanouissement.

Nous recommandons énergiquement le maintien d'un gouvernement fédéral fort. Il doit représenter l'ensemble des peuples du Canada, et agir pour leur compte dans la définition des objectifs nationaux à l'intérieur comme à l'extérieur du pays. Nous continuerons d'avoir un pays gouverné sur une base nationale par un gouvernement central. Il ne peut être question de faire du Canada un ensemble d'Etat associés qui délégueraient des pouvoirs limités au gouvernement fédéral.

Pour aider à renforcer et à unifier le pays, pour raffermir notre nation, le Canada doit rester une démocratie souveraine dans laquelle le pouvoir exécutif et

La constitution n'est pas un document aride qui intéresse seulement les législateurs, les historiens et les tribunaux. C'est un document vivant qui influe sur la façon dont nous continuerons d'être gouvernés, et qui intéresse tous les Canadiens.

La constitution est d'importance capitale pour tous les pays et surtout pour ceux de tradition démocratique, car elle consacre les principes et le mode de gouvernement.

Certains Etats essaient d'incorporer cette loi fondamentale dans un document écrit. Pourtant, si détaillé que soit un document constitutionnel, il ne saurait comprendre tous les principes ni toute la structure du gouvernement.

Les Pères de la Confédération, rassemblés en 1864 à Charlottetown, puis à Québec, ont reconnu la nécessité d'un document principal qui engloberait les principes essentiels de gouvernement du nouveau pays auquel on donnait naissance. Dans leur sagesse, ils n'ont pas essayé de tout y faire entrer. En réalité, ils désiraient que le régime gouvernemental canadien repose, tant pour ses principes que pour sa structure institutionnelle, sur plusieurs pierres fondamentales. De ce fait, nous possédons en l'Acte de l'Amérique du Nord britannique une source constitutionnelle première. Mais ceux qui veulent connaître la vraie nature du régime canadien, doivent regarder bien au delà de ce document.

Notre héritage constitutionnel repose en partie sur la simple pratique des coutumes et de la tradition qui se sont développées au Canada au cours des cent dernières années.

Certaines de nos dispositions constitutionnelles se retrouvent dans des lois du Parlement et des décisions des tribunaux.

Sans exception, les constitutions provinciales sont fondées sur divers documents, le droit coutumier et des décisions juridiques.

Pour réussir à bâtir un Canada uni et fort il faut précisément reconnaître la diversité fondamentale des conditions régionales - diversité de ressources et d'aptitudes; car les différences inhérentes entre nos régions exigent

Le gouvernement fédéral a arbitrairement annulé ou diminué des programmes conjoints sans chercher à savoir si les provinces pouvaient annuler ou supprimer progressivement ces programmes, sans vous demander si elles avaient besoin de ces programmes et si elles étaient forcées de hausser les impôts provinciaux pour en assurer la mise à exécution. Le gouvernement fédéral a reçu la collaboration des provinces au sein du Comité du régime fiscal. Il n'en a pas moins décidé de ne tenir aucun compte des conclusions de ce Comité.

Le ministre des Finances, en novembre dernier, a convoqué une Conférence pour y discuter de questions financières d'intérêt commun. Et quelques semaines avant cette Conférence, ne s'avise-t-il pas de crier sur les toits que les réunions ne changeront rien, que son idée est faite?

Il doit certainement y avoir une limite au fardeau total des impôts que peuvent raisonnablement supporter les contribuables canadiens.

La province du Manitoba demande simplement que nous fassions preuve de compréhension et de mesure dans le domaine de l'imposition directe pour que nous acquittions de nos responsabilités pendant que nous songeons à modifier la constitution.

Au cours de la prochaine année financière, le Manitoba se propose encore une fois d'équilibrer son budget sans hausser les impôts.

Monsieur le président, si votre gouvernement cherche à prouver la nécessité d'une réforme de la constitution en refusant d'essayer de mener à bien la présente, il s'achemine vers un échec certain car toute constitution suppose la bonne volonté et la compréhension de ceux qui sont assujettis à ses conditions et modalités. Quand un des partenaires, en vertu de la constitution, refuse de mener celle-ci à bien, comment pouvons-nous espérer avoir plus de succès avec une constitution modifiée ou une nouvelle constitution?

Dans ce contexte, le Canada doit résoudre la plus importante question de son histoire, depuis la Confédération, l'examen de la constitution en vertu de laquelle nous devons continuer à vivre en tant que Canadiens.

A l'extérieur de l'atmosphère en serre chaude d'Ottawa, dans le reste du pays, où les gens vivent et travaillent, nos grands problèmes consistent en difficultés d'ordre fiscal et économique.

D'une extrémité à l'autre du pays, les Canadiens veulent que nous entretenions ou que nous créions l'atmosphère de prospérité et d'égalité dans laquelle leurs enfants et eux-mêmes pourront se trouver de nouveaux emplois, augmenter leur revenu et améliorer leur vie sans que ce soit au prix d'impôts excessifs.

En moins de douze mois, le gouvernement fédéral, par des hausses successives d'impôts, a porté le compte d'imposition du Canada à un sommet sans précédent dans son histoire, à plus d'un milliard de dollars. Les Manitobains fourniront approximativement 50 millions de dollars de cette hausse globale.

Vous semblez parfois avoir choisi le moment d'annoncer ces hausses d'impôts de façon à vous approprier, avant que les provinces n'y songent, tous les revenus possibles à tirer du domaine des impôts partagés, en faisant fi de la responsabilité qu'elles ont de fournir des services ou d'augmenter les revenus de soutien. Et la soi-disant taxe de progrès social vient encore aggraver la situation. Vous avez réussi à nous empêcher d'exploiter un domaine d'imposition sur lequel nous avons autant de droits que vous, et dans un but qui constitue une intrusion dans nos responsabilités.

Nous imposons maintenant au contribuable un nouveau grand programme conjoint, celui de l'assurance-santé, en dépit de l'opposition constante de la majorité des provinces à l'endroit de ses termes. Si le gouvernement fédéral tient tellement à cette assurance-santé et s'il refuse aux provinces le droit de mettre au point un programme mieux adapté à leurs propres besoins, si le gouvernement fédéral exige que les modalités et conditions de cette assurance soient respectées et si le gouvernement fédéral tient le régime d'assurance-santé pour une institution de priorité nationale, dans ce cas, le Manitoba croit que le gouvernement fédéral devrait en assumer l'entière responsabilité. C'est ce qu'il a fait dans les domaines des allocations familiales et de l'assurance-chômage. Pourquoi ne le ferait-il pas de la même façon pour l'assurance-santé?

Je parle à titre de chef politique d'une province canadienne. Je parle à titre d'individu profondément attaché à son pays. Je parle comme quelqu'un qui fera tout ce qu'il lui est possible de faire pour bâtir notre pays, pour fortifier et maintenir son héritage linguistique, pour travailler en vue de l'égalité de chances dans les domaines économiques et culturels et cela, pour tous les Canadiens.

Vous l'avez dit vous-même, monsieur le président, la création d'une nouvelle constitution ou la réforme de la présente pourrait exiger beaucoup de temps, de 8 à 10 ans. La constitution qui nous régit présentement protège amplement les droits linguistiques et culturels, qui, d'ailleurs, au cours des dernières années, ont été très élargis. De fait, nous avons introduit le français comme langue d'enseignement de sorte qu'il n'y a pas lieu de craindre que ces droits puissent disparaître petit à petit. Toutefois, ce qui est en voie de disparition et ce qui doit être protégé des maintenant, en attendant une nouvelle constitution, c'est l'attitude des provinces à faire face avec l'assiette fiscale actuelle aux obligations que leur impose la constitution. Le fondement économique du pays est menacé. Le gouvernement fédéral a fait échouer la constitution actuelle. La plus grande cause de désunion dans notre pays c'est le manque de justice en matière d'impôts, alors que la justice en ce domaine offrirait des chances égales à tout le monde.

Ainsi, lorsque j'ai demandé que les questions urgentes d'ordre fiscal soient étudiées en premier lieu, j'exprimais ma certitude qu'il faut régler cette question avant toute autre chose pour sauvegarder l'unité du pays.

Certains se sont imaginé que les provinces de l'Ouest venaient à cette Conférence l'esprit borné, animées de désirs égoïstes et ambitieux. Ce n'est ni l'argent ni le pouvoir que nous voulons. Nous voulons les moyens, nous avons besoin des moyens qui nous permettront d'assumer nos responsabilités. On décrit les provinces de l'Ouest comme autant de gouvernements avides de piller le Trésor fédéral, sourds à certaines menaces pressantes que pareille attitude représente pour l'unité du pays. Monsieur le président, inutile de vous dire que de telles allégations a l'endroit de l'Ouest du Canada sont injustes et fausses. Qu'on sache bien que les Canadiens de l'Ouest se soucient autant de préserver l'unité canadienne que les Canadiens des autres parties du pays. Avis aux intéressés!

Allocution d'ouverture de
L'HONORABLE WALTER WEIR
Premier Ministre
du
Manitoba
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

(TRANSCRIPTION)

Merci, monsieur le premier ministre, messieurs les
représentants des provinces, mesdames et messieurs:

Monsieur le premier ministre je suis heureux de
voir que votre fleur est à nouveau bien en évidence. Votre
oeillet avait l'air tout à coup d'un pavillon en berne. Je
suis bien aise que votre oeillet rougisse à nouveau sa
place. Mes premiers mots voudraient être des remerciements
à l'adresse du premier ministre qui, dans son allocution
d'ouverture, a bien voulu reconnaître, comme l'on fait
tous ceux qui ont pris la parole jusqu'ici, qu'il faut de
toute nécessité de solides assises économiques si nous
désirons voir progresser la Confédération au moment où le
pays entre dans son deuxième siècle d'existence.

Vous nous avez assuré que nous pourrions débattre à
fond de l'Ordre du jour après les allocutions d'ouverture
des premiers ministres, et nous aurons ainsi l'occasion
d'attaquer de front ce problème fondamental. Je compte que
vous direz tout à fait bien disposé à oeuvrer en
faveur du bon fonctionnement de la présente constitution en
attendant les réformes auxquelles nous sommes à mettre la
main.

Allocution d'ouverture de
L'HONORABLE WALTER WEIR
Premier Ministre
du
Manitoba
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

Merci beaucoup, monsieur le premier ministre.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur le premier ministre Robichaud.

Cinq premiers ministres ont déjà présenté leurs allocutions d'ouverture; il en reste donc six. Je crois qu'il est important que chacun ait l'opportunité d'exprimer le point de vue de son gouvernement très clairement, même si cela doit prendre du temps. Il y a déjà un an que nous nous sommes réunis. Les temps ont changé. Certains chefs de délégation ont changé. Nous nous réunirons donc à 2 heures trente cet après-midi afin d'entendre les discours des six chefs de gouvernement qui n'ont encore pris la parole. Il nous restera peut-être ensuite un peu de temps pour discuter de l'Ordre du jour. Si non, nous serons certainement capables de terminer cette discussion en dinant.

Si vous êtes d'accord, la Conférence est ajournée jusqu'à 2 heures trente de l'après-midi.

La séance débutera par l'allocution de l'honorable monsieur Weir, premier ministre du Manitoba.

Toutefois, comme je l'ai signalé auparavant, il est nécessaire de procéder à cet égard à des consultations plus efficaces avec les provinces. Le développement économique régional exige une planification soignée, mais conjointe, tout comme l'exige la collaboration du fédéral et des provinces. Les provinces ont parfois tendance à mettre au point, isolément, leurs propres plans; cette tendance existe également au niveau du gouvernement fédéral. Qu'il s'agisse des gouvernements provinciaux ou du gouvernement fédéral, nous devons tous travailler ensemble avec plus d'efficacité que nous l'avons fait au cours des dernières années.

En ce qui a trait au développement régional, le Nouveau-Brunswick désire ardemment entrer en consultations avec le gouvernement fédéral. Nous sommes prêts à discuter à la fois la structure et le programme en vue d'attaquer fermement les inégalités régionales. Il ne faudrait pas, qu'en fin de compte, nous luttons contre des ombres. Nous devons tous nous efforcer de rechercher plus efficacement des solutions au problème du développement.

Le Nouveau-Brunswick se tient prêt à collaborer pleinement avec le gouvernement fédéral à l'étude et à la mise en oeuvre d'un programme efficace de développement régional.

J'espère que la présente conférence et les suivantes, avec l'appui et les efforts du Comité permanent des fonctionnaires, trouveront les réponses au dilemme canadien en unissant nos réalités linguistiques et nos régions géographiques dans cette ère de changements, et qu'elles aboutiront sur une réponse canadienne apte à créer un nouveau sentiment national d'égalité et à satisfaire les générations futures.

Pour atteindre cet objectif, nous croyons qu'il est nécessaire d'adapter nos rapports constitutionnels dans notre pays, afin de leur donner une nature plus solide.

Ce que nous désirons réaliser pour notre pays se fonde en grande partie, par nécessité, sur la confiance et la foi. Confiance dans le bon sens et la bonne volonté des Canadiens. Foi dans la destinée de notre pays, foi dont ont fait preuve depuis plus d'un siècle tous les Canadiens. Beaucoup plus de choses tendent à nous unir qu'à nous désunir.

La constitution, il est clair que le Nouveau-Brunswick doit envisager des lignes de conduite, d'envergure nationale, qui attaquent énergiquement le problème des ressources régionales, des lacunes financières ou techniques.

Le Nouveau-Brunswick affirme que les lignes de conduite et les programmes subordonnés à l'égalité régionale ne seront efficaces que si un gouvernement fédéral fort contribue à la réalisation de ces objectifs. Le Nouveau-Brunswick continuera donc d'insister sur l'importance de cette question qui constitue un légitime sujet de préoccupation pour les provinces de l'Atlantique et leurs gouvernements, face à la structure du Canada de demain.

Je crois que le pays est prêt à accepter un programme dynamique en vue d'aider au plein développement de toutes les régions du Canada.

Ni l'élaboration ni l'application d'un vigoureux programme de ce genre pour le développement économique régional des provinces de l'Atlantique ne seront une tâche facile. Toutes deux exigeront une action concertée et efficace de la part du gouvernement fédéral et des gouvernements provinciaux en cause. Il est essentiel que l'on s'engage envers un tel programme à l'échelle nationale. C'est précisément ce facteur national qui rend le développement économique régional digne d'être étudié au cours de la présente Conférence constitutionnelle. Pour nous, du Nouveau-Brunswick, le développement économique régional est l'un des objectifs fondamentaux de la Confédération.

Le premier ministre du Canada y a mis quelque insistance:

"L'unité canadienne doit faire face à une seconde menace si l'on ne remédie pas au sous-développement des provinces de l'Atlantique, non par charité ou à l'aide de subventions, mais en les aidant dans leur expansion économique; sans cela, l'unité du pays sera détruite presque aussi sûrement que par une confrontation entre le français et l'anglais".

Nous savons que le gouvernement fédéral procède actuellement à la création d'une structure et d'un programme de développement régional. Un nouveau ministère du Développement régional est en voie de formation, et de nouvelles politiques sont mises en oeuvre. Nous sommes très heureux de ces mesures; il s'agit d'un grand pas dans la bonne direction.

nationale doivent entrer en ligne de compte dans la révision de la constitution. Une constitution doit assurer les intérêts du peuple, non des gouvernements. Je me permets d'inciter tous mes collègues à garder cette distinction présente à l'esprit.

A mon avis, une bonne part de ce que nous avons déjà accompli, et accomplirons pour notre pays, repose sur la confiance. Je suis optimiste. Je crois au succès de nos efforts pour la sauvegarde des droits aussi fondamentaux que l'égalité des possibilités linguistiques, à cause de la confiance qui règne au sein de ce peuple canadien, et parce que le peuple canadien veut que nous réussissions.

Arrêtons-nous un moment au problème particulier des "disparités régionales" qui ont joué un si grand rôle dans les délibérations, en février dernier, et qui demeurent d'un intérêt primordial pour le Nouveau-Brunswick et pour toutes les provinces de l'Atlantique.

Je me rends parfaitement compte de la difficulté que pose la transposition du concept de la disparité régionale dans la terminologie constitutionnelle, comme telle. Je ne prétends pas plus aujourd'hui qu'auparavant que le régime constitutionnel de demain doit en quelque sorte stipuler de façon expresse que toutes les régions devraient jouir d'un revenu ou d'une force économique égale, que ce soit au niveau du gouvernement ou de l'individu. Je suis d'accord avec M. Smith à ce sujet. Mais il faudrait tout de même que cette idée soit présente dans toute reconstruction de la structure de la société canadienne. Il faudrait trouver des termes susceptibles de rallier tous les Canadiens dans un sentiment de responsabilité commune envers tous, et de respect de normes fondamentales pour tous, en quelque endroit du pays que ce soit.

La nature et le hasard des choses ont favorisé certaines parties du pays en ce qui concerne les ressources, les emplacements de choix pour le commerce, la technologie et les possibilités, aux dépens d'autres régions moins fortunées. Il est probablement utopique de vouloir rétablir l'équilibre global de ces inégalités géographiques, et technologiques et des ressources, mais en ne les reconnaissant pas, en négligeant d'appliquer une politique nationale de base à leur sujet, nous les perpétuons en en faisant une situation nationale implicite, en cédant à la nature et au hasard ce que nous devrions vaincre par l'effort et l'ingéniosité. Sans préjuger, par conséquent, des termes de

complémentaires afin d'assurer aux citoyens du Nouveau-Brunswick l'égalité des possibilités linguistiques et culturelles, aux niveaux fédéral et provincial.

Le Nouveau-Brunswick appuie les efforts que déploie le premier ministre pour assurer à tous un traitement juste.

Si l'établissement du bilinguisme ne se fait ni facilement ni avec succès au Nouveau-Brunswick, ce ne sera pas faute d'efforts ni d'indécision à cet égard, mais uniquement faute de ressources. Tout le Canada, par conséquent a des intérêts dans le programme et l'avenir du Nouveau-Brunswick.

Conséquemment, nous espérons que le gouvernement fédéral sera prêt à secourir les provinces dans la mise en application des programmes concernant le bilinguisme et le biculturalisme. La réalisation d'un programme de cette importance pour tout le pays nécessite une contribution financière élevée du gouvernement fédéral.

A vrai dire, étant donné la supériorité numérique des Canadiens-anglais sur les Canadiens-français dans la province, et compte tenu de leur répartition géographique, les frais per capita que nécessitent l'adoption de deux langues maternelles, l'une française et l'autre anglaise, l'institution d'écoles bilingues et l'établissement d'initiatives gouvernementales, à l'échelon provincial et municipal, dans les domaines administratifs et judiciaires, qui reconnaissent les deux langues officielles, promettent d'être les plus élevés au Canada. Ces frais seront aussi élevés en raison des mises de fonds initiales destinées aux immeubles et à la formation du personnel, et élevées aussi par suite des frais permanents d'exploitation, per capita.

On semble, parfois, insister outre mesure sur les valeurs purement matérielles, aux dépens des valeurs réelles qui nous guident ou devraient nous guider dans notre vie. Les droits linguistiques, comme nous l'avons déjà souligné ont une très grande importance de même que les inégalités qu'engendrent les disparités régionales.

Cependant, la langue, autant que le bien-être matériel d'une population, fait partie intégrante du phénomène qui porte le nom de culture, et que nous pourrions peut-être définir comme un "mode de vie". Les valeurs humaines qui constituent notre personnalité

dont a été saisie la Législature du Nouveau-Brunswick, à l'autome.

Voici un paragraphe-clé de ce Livre blanc:

"La composition de la population du Nouveau-Brunswick reflète plus que partout ailleurs la proportion ethnique qui forme la mosaïque de la population canadienne. C'est pourquoi il est particulièrement opportun que nous réalisons, dans nos rapports les uns avec les autres, le grand but que s'est donné notre pays: celui de l'égalité des possibilités culturelles et linguistiques".

La position des minorités y est exposée en termes clairs:

"Un des buts principaux visés par la réalisation de l'égalité des possibilités linguistiques et culturelles est la protection des droits des groupes minoritaires partout où ils existent. La valeur et l'efficacité de toute politique doit être mesurée à partir de la position des groupes minoritaires, que ce soit dans un pays, dans une province, dans un comté ou dans une localité".

Le Livre blanc établit clairement la position du gouvernement du Nouveau-Brunswick: "Le gouvernement croit que nos citoyens, dans leur province, peuvent en tout droit utiliser le français ou l'anglais dans toute communication officielle avec les institutions provinciales."

"Le gouvernement estime que tous les citoyens, dans leur province, ont droit à ce que les lois provinciales, les règlements et procès-verbaux soient rédigés dans les deux langues officielles."

"Le gouvernement croit que les citoyens, dans leur province, là où la minorité linguistique le justifie au niveau local", ont droit à l'éducation soit en français soit en anglais.

"Le gouvernement a l'intention de légiférer, de donner vigueur aux droits déjà établis et, là où cela s'avérera nécessaire, de créer les mécanismes requis afin de réaliser ces buts d'égalité des possibilités linguistiques et culturelles au Nouveau-Brunswick".

Mon gouvernement a l'intention de travailler en étroite collaboration avec le gouvernement fédéral pour garantir, au niveau fédéral, l'adoption des lois

intéressant et probablement essentiel qui existe entre l'idée d'une Charte, ou d'une Déclaration des droits linguistiques. En effet, nous avons autorisé la création d'un Comité spécial, chargé d'étudier les droits linguistiques en profondeur. Le rapport que ce Comité nous a remis révèle que d'importantes divergences d'opinion subsistent entre les gouvernements quant au mécanisme qu'il convient d'adopter pour exprimer ou garantir les droits linguistiques et scolaires.

Le Nouveau-Brunswick accepte sans réserve la position qui a été adoptée au sujet des langues, lors d'une conférence fédérale-provinciale antérieure. Nous l'acceptons de fait et nous l'acceptons en principe.

Le Nouveau-Brunswick croit que le projet de loi sur les langues officielles, dans son ensemble, tel qu'il a été déposé auprès du Parlement, mérite d'obtenir l'appui de tous les Canadiens.

Il serait très malheureux pour notre pays que l'entente, réalisée il y a un an en Vienne, par suite d'un malentendu, à perdre sa vigueur initiale au point de devenir inutile à toutes fins pratiques.

Au cours des années, le Nouveau-Brunswick a fait des progrès considérables dans le domaine du bilinguisme et du biculturalisme.

Sachez donc que le Nouveau-Brunswick tient le concept des droits linguistiques qui se dégage de la Conférence de février dernier, pour le résultat le plus important de celle-ci, et qu'il continue d'espérer que tous les gouvernements mettent au point des programmes d'exécution compatibles avec leurs ressources, les besoins et la répartition de leur population. En effet, il importe pour le Nouveau-Brunswick que le programme des langues officielles reçoive la plus haute priorité, et qu'on tente par tous les moyens d'"insérer" ces droits, soit dans un document distinct, soit dans une Charte des droits qui est à l'étude; mais que ces droits soient "insérés" ou non, il faut essayer autant que possible, à notre avis, d'adopter des mesures législatives et administratives, quelque difficile ou lente que soit la question constitutionnelle elle-même.

Le Nouveau-Brunswick a fait état de ses vues dans un Livre blanc sur l'égalité des possibilités linguistiques

sessions et a fait un examen approfondi, même s'il était préliminaire, des problèmes de la révision de la constitution et des réformes possibles. Ce travail constitue la matière de notre réunion actuelle et nous fournit les outils qui nous permettront, en notre qualité de chefs de gouvernement, de déterminer la direction à donner dorénavant au dialogue constitutionnel. Nous avons en main le rapport du Comité permanent des fonctionnaires ainsi que le très utile document d'information, préparé par le Secrétaire, qui fournit des détails sur le déroulement du débat au sein de ce Comité.

Ces deux documents permettront à tous les gouvernements et au public de comprendre dans quel sens il serait sage d'orienter le débat sur la constitution. En février dernier, non seulement avons-nous établi la Conférence constitutionnelle des premiers ministres et le Comité permanent des fonctionnaires et les avons-nous dotés d'un secrétariat, mais nous avons aussi arrêté les grandes lignes d'un programme d'étude. A la lecture du rapport et du document d'information, je constate avec plaisir que le Comité permanent en a tenu pleinement compte lorsqu'il a arrêté son propre programme d'analyse et de discussion.

Les vues que, de part et d'autres, nous exposerons ici devraient permettre au grand public de mieux comprendre le travail du Comité permanent des fonctionnaires et devraient offrir à ce dernier des directives précises. Je ne saurais, toutefois, m'abstenir d'exprimer une remarque générale au sujet de nos délibérations futures.

A mon avis, il ne serait pas sage de notre part de ne pas reconnaître l'ampleur du travail que les gouvernements, les fonctionnaires, les spécialistes, et même le grand public devront fournir avant que, pour bon nombre de ces questions, des solutions appropriées, tant par leur langage que par les principes dont elles s'inspirent, sur les plans politique et constitutionnel, ne viennent à l'esprit.

Finalement, en février dernier, le gouvernement fédéral nous a donné deux instruments utiles pour la poursuite de nos efforts: un exposé d'un projet de Charte des droits de l'homme et un Essai sur le fédéralisme de l'avenir. Ces deux documents ont contribué, de façon générale, à faire prendre conscience aux Canadiens des questions inhérentes à toute réforme constitutionnelle possible, et peut-être même à mettre en lumière le lien

l'échelle nationale, égalité de chances dans les domaines linguistique, économique et culturel.

J'ose espérer que nous ne perdrons pas de vue ce concept au cours de nos délibérations.

Il n'y a pas lieu de minimiser ce qui a été accompli en février dernier ni depuis. Je voudrais aussi rappeler la Conférence sur la Confédération de demain convoquée par le premier ministre Robarts. Il ne faut pas se contenter de considérer les décisions qui ont été prises, mais aussi ce qui aurait pu se produire s'il n'y avait pas eu quelque accord au milieu des tensions. Permettez-moi, donc, de rap-
peler ce qui a été accompli. Le plus important, peut-être, a été de reconnaître la nécessité de s'attaquer immédiatement à la question des droits scolaires et linguistiques afin que les francophones et les anglophones puissent faire leurs études dans l'une ou l'autre des deux langues là où la densité de la population de l'un et de l'autre groupe le justifie, (la Commission B.B. en présente un exposé général dans le premier tome de son rapport); et aussi d'accepter le principe selon lequel les Canadiens devraient pouvoir traiter avec leur gouvernement, leurs organismes et les tribunaux dans l'une des deux langues officielles, pourvu qu'un chiffre minimum de population justifie les frais et les mesures qui en découlent.

Le vœu de la Conférence de février dernier, qui énonçait ce principe, avait peut-être la faueur et l'obscurité sans lesquelles les communautés sont parfois destinées à ne jamais voir le jour. On ne peut cependant douter de l'intention de la plupart de ceux d'entre nous qui se trouvaient là: il s'agissait de jeter les bases d'une nouvelle ère d'équité qui devait façonner un Canada nouveau où les droits linguistiques seraient reconnus.

Notre deuxième réalisation, en février dernier, a été la décision d'établir une Conférence constitutionnelle à caractère permanent, composée des premiers ministres des onze gouvernements qui sont représentés ici aujourd'hui. Il s'agissait de la création d'un nouvel instrument politique et "constitutionnel" en mesure d'aider à la prise de décisions nationales même s'il reste à déterminer les rouages formels et définitifs en vue de la modification de la constitution.

En outre, pour secondar cette Conférence constitu-
tionnelle, nous avons créé, en février dernier, le Comité permanent des fonctionnaires qui, depuis mai, a tenu cinq

participé à un plus grand nombre de conférences fédérales-provinciales que tout autre premier ministre. Ses éminents services et, oserais-je dire, son maintien au pouvoir pendant de longues années, nous fournissent à tous des exemples à imiter!

Je suis heureux d'apprendre que M. Thatcher est en bonne voie de guérison. Nous, du Nouveau-Brunswick, lui souhaitons un très prompt rétablissement.

Nous sommes réunis ici aujourd'hui pour tenter d'ouvrir de nouvelles voies au régime constitutionnel qui est le nôtre en notre qualité d'Etat fédéral et de nation moderne en voie de développement dans un monde moderne en évolution.

Permettez-moi de rappeler au départ que le gouvernement et le peuple du Nouveau-Brunswick tiennent à la préservation du régime fédéral dans notre pays.

Tout en cherchant de nouvelles voies, nous continuerons d'attacher une grande importance à bon nombre des modalités existantes qui nous ont bien servi durant un siècle.

Notre tâche est de moderniser notre constitution et de faire en sorte que toutes les provinces et le gouvernement fédéral en acceptent l'application et y trouvent un sens profond. Au besoin, nous ne devons pas hésiter à modifier, voire à restreindre la répartition actuelle des pouvoirs afin que toute la population du Canada, d'un Canada fort et uni, en tire le plus grand avantage possible.

Une constitution doit fournir à un pays un cadre utile dans lequel il peut oeuvrer à l'avantage de tous ses citoyens.

Il faut que la constitution soit assez souple pour répondre à tous les besoins qui peuvent surgir dans un Etat fédéral composé de régions, de cultures et de langues différentes. En même temps, la constitution doit être une forteresse qui protège les droits fondamentaux de tous les Canadiens. D'une manière ou d'une autre, nous devons réussir à concilier ces deux concepts.

Au Nouveau-Brunswick, nous sommes d'avis que ce dont a besoin le Canada est facile à exprimer, mais pas du tout facile à réaliser. Selon nous, il doit y avoir, à

Allocution d'ouverture de

L'HONORABLE LOUIS J. ROBICHAUD C.P., C.R.,

Premier Ministre

du Nouveau-Brunswick

à la

deuxième réunion

de la

Conférence constitutionnelle

Ottawa, le 10 février 1969

Monsieur le premier ministre, mes collègues, mesdames et messieurs, permettez-moi de vous offrir les salutations et les vœux chaleureux du gouvernement et du peuple du Nouveau-Brunswick. Nous savons que votre tâche est très lourde surtout à cette conjoncture de notre histoire. Il vous incombe d'ouvrir à notre pays des voies nouvelles pendant une période essentielle, passionnante et parfois très difficile. Nous, du Nouveau-Brunswick, sommes pleinement confiants que vos efforts pour le bien de toute la population du Canada seront couronnés de succès.

Depuis notre dernière réunion, les Canadiens ont subi une dure épreuve; je veux parler du décès de l'honorable Daniel Johnson. Force vitale dans notre pays, M. Johnson avait des états de service que peu de Canadiens ont pu égaler au cours du présent siècle. Nous, du Nouveau-Brunswick, sommes heureux de voir le premier ministre, M. Bertrand, du Québec, en bonne santé ici, aujourd'hui. M. Bertrand est pour nous un proche voisin et nous envisageons avec plaisir la perspective d'une collaboration constante dans les domaines qui nous sont communs.

Une autre figure nouvelle que nous apercevons ici aujourd'hui est celle de M. Strom, et c'est avec plaisir que nous travaillerons avec lui. Nous regrettons, bien entendu, l'absence de son prédécesseur, M. Manning qui a

Allocution d'ouverture de
L'HONORABLE LOUIS J. ROBICHAUD C.P., C.R.,
Premier Ministre
du Nouveau-Brunswick
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

L'unité d'un tel pays vaut certainement de nombreuses conférences, de nombreux compromis et une longue et laborieuse recherche sur les moyens de nous entendre entre nous. Que ces conférences aient donc lieu, que l'on en vienne à ces compromis et que cette recherche soit effectuée malgré les difficultés. Au nom de tous les Canadiens, continuons afin que notre pays demeure le Canada!

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur le premier ministre Smith.

Maintenant nous aurons le plaisir d'entendre l'honorable Louis Robichaud, premier ministre du Nouveau-Brunswick.

La première de ces questions est que la fondation de notre pays ne résulte pas d'abord de facteurs économiques ou géographiques. Notre pays tire son origine du fait que certaines gens d'intérêts, d'origine et de cultures diverses, voulaient être libres de poursuivre leur propre destinée comme entité unie et autonome, et non comme partie d'un autre pays. Sa fondation repose sur des sentiments et son existence dépend aussi d'un sentiment, c'est-à-dire le désir des Canadiens de sauvegarder leur pays, avec la diversité de sa population, de ses intérêts et de ses ressources.

La deuxième de ces questions est la certitude que notre succès dépend de notre volonté et de notre attitude, à titre d'individus et de collectivité. S'il nous importe peu de trouver des réponses acceptables, nous ne les trouverons probablement jamais. Si nous sommes déterminés à les trouver, à les chercher jusqu'à ce que nous les trouvions, alors je crois que nous ne manquerons certainement pas de les trouver.

La troisième question est le fait qu'aucun des onze gouvernements qui prennent part à cette Conférence ne peut raisonnablement s'attendre à voir toutes ses vues respectées dans les décisions. La chose n'est pas nouvelle; elle se retrouve partout dans notre vie.

Nous nous sommes réunis pour trouver le moyen de créer et de préserver au Canada un milieu stable dans lequel les citoyens, quels que soient leur origine ou le lieu de leur domicile, auront toutes les possibilités de mener une vie heureuse, satisfaisante et fructueuse. Au cours de ce grand travail, il ne faut jamais perdre de vue quel pays magnifique est le nôtre.

C'est probablement le plus riche en ressources naturelles. Il est jusqu'à ses régions moins fortunées qui jouissent ou sont près de jouir d'un niveau de vie considérée comme l'un des plus élevés du monde. Où pourrions-nous trouver plus de sécurité personnelle? Même si plusieurs d'entre nous doivent faire face à des conditions défavorables du point de vue économique, culturel, linguistique ou racial, où pourrions-nous trouver mieux? Pour tout résumer d'un mot, y a-t-il d'autres endroits au monde où il est plus agréable de vivre?

La Nouvelle-Ecosse estime que les questions suivantes tombent dans cette catégorie -- je ne veux pas dire ici que nous considérons que notre point de vue sur ces sujets soit inflexible, mais plutôt que nous les considérons si importants qu'il nous faut faire connaître notre point de vue à leur sujet avec force.

Tout d'abord, le gouvernement central doit avoir l'autorité et les ressources voulues pour gouverner sans difficulté ses affaires domestiques, pour nous représenter dignement au sein de la communauté des nations et pour assurer la défense du pays de façon efficace;

Les disparités régionales, y compris le rétablissement de l'équilibre;

Les droits linguistiques doivent être protégés;

Le chef de l'Etat doit être un monarque constitutionnel, comme c'est présentement le cas;

Le gouvernement central doit se fonder sur le régime parlementaire;

Le partage des responsabilités entre le gouvernement central et les provinces doit se fonder sur le principe que chaque secteur de responsabilité doit être confié à qui est le mieux en mesure de l'exercer, dans l'intérêt des Canadiens, sans perdre de vue, cependant, la nécessité d'un gouvernement central fort;

Les pouvoirs d'imposition doivent logiquement correspondre aux responsabilités de chaque gouvernement;

Enfin, il devrait être possible de modifier la constitution au Canada même.

En discutant les grandes questions auxquelles nous faisons face, je recommande que nous ne perdions jamais de vue d'autres questions très importantes.

d'enquête dont j'ai déjà parlé, car, bien qu'il ait été rédigé il y a quelque vingt-neuf ans, ce rapport exprime très clairement la situation dans laquelle nous trouvons actuellement:

"Les conditions économiques actuelles et futures du Canada démontrent que nous ne pouvons permettre la poursuite des désaccords et pertes d'efforts que suscitent des politiques contradictoires ni les plus grandes pertes occasionnées par le blocage de politiques causé par une répartition des responsabilités et des pouvoirs gouvernementaux qui est peut-être désuète."

Nous croyons que ceci est encore vrai. Nous n'avons pas les moyens de tolérer de tels désaccords et de telles pertes d'efforts, et je propose des consultations plus intenses comme un remède possible. L'ancien Premier ministre Pearson disait, il n'y a pas si longtemps:

"Nous nous demandons si c'est être réaliste que de compter encore pouvoir établir une division claire et nette des pouvoirs... Je pense plutôt que la solution réside dans ces façons de procéder en vertu desquelles les gouvernements se consulteront les uns les autres et essaieront de s'influencer réciproquement avant que les décisions définitives ne soient prises."

Nous n'avons pas raison d'entretenir de vieilles doléances ni de reprendre d'anciens combats, mais, Monsieur le premier ministre, je dois vous signaler que, à certaines occasions, par le passé, il n'y a pas eu suffisamment de consultations véritables et je dois vous faire remarquer que cette situation ne doit pas se perpétuer si nous voulons établir la mesure de collaboration nécessaire au bon fonctionnement d'une union fédérative.

Chaque gouvernement aura certainement, à certains moments, ses propres vues sur les questions qu'il tient pour fondamentales et pour lesquelles il juge nécessaire d'adopter une attitude énergique. A notre avis, il y aurait un pas de fait si chaque gouvernement devait dès maintenant révéler les questions qu'il juge prioritaires pour que nous puissions tous commencer à concilier avec

facteur encore plus dangereux pour l'unité nationale que toutes ces considérations prises ensemble."

Monsieur le premier ministre, j'aimerais dire quelques mots du partage des pouvoirs. Je pense que, trop souvent, nous parlons de pouvoirs alors qu'en réalité il s'agit des responsabilités gouvernementales envers les citoyens de notre pays. Après tout, ces pouvoirs ne sont que les moyens de nous acquitter de nos responsabilités.

Je suis d'accord avec mes collègues pour dire qu'une bonne partie des difficultés que nous éprouvons actuellement au Canada provient du fait que le partage des responsabilités et des pouvoirs, qui, en 1867, était assez bien équilibré, ne l'est plus du tout de nos jours. Les changements intervenus ont modifié toute notre conception de la place des gouvernements dans notre société. Ainsi, les domaines du bien-être social, de la santé, et de la voirie, qui, en 1867, compétaient fort peu, surtout au niveau provincial, sont maintenant considérés comme des secteurs qui relèvent directement des gouvernements provinciaux. Ce sont de lourdes responsabilités et elles nous coûtent très cher. Ces responsabilités des gouvernements provinciaux se sont accrues et elles continuent de s'accroître. Cependant, du point de vue de la Constitution, les pouvoirs fiscaux des provinces n'ont pas changé. La Commission royale d'enquête dont j'ai fait mention reconnaît l'existence de ce problème lorsqu'elle déclare:

"Il est clair que la situation actuelle des finances publiques du Canada s'écarte beaucoup de la conception des Pères de la Confédération et de l'esprit du mode de règlement financier qu'ils avaient établi."

Cette Conférence permet de constater des différences et des difficultés fiscales, à la fois réelles et pressantes. Je ne veux pas en diminuer l'importance ni, encore moins, le besoin d'y trouver une solution. Toutefois, nous croyons ne pouvoir insister assez sur le fait qu'il ne faut pas que ce problème très sérieux nous empêche de donner la plus attentive considération possible à tous les aspects des réformes constitutionnelles.

Puis-je vous demander votre patience et vous citer de nouveau un extrait du rapport de la Commission royale

années, il va sans dire.

Les disparités régionales sont une autre question qui, à notre avis, est tout aussi urgente. Nous ne croyons pas qu'il soit un jour possible de réaliser une égalité absolue de développement entre les différentes régions du Canada, ni même qu'il faille chercher à le faire. Nous ne préconisons pas non plus de mesures qui ralentiront le développement des régions dont la croissance est plus rapide, étant donné leur contribution à l'économie nationale.

Permettez-moi de dire aussi que nous ne cherchons pas à faire subventionner un développement économique improductif. Ce que nous voulons est de l'aide pour établir une économie viable à plus forte croissance.

Nous croyons qu'il est possible, souhaitable et nécessaire de réduire de façon très importante les disparités de développement qui sont tellement évidentes d'une région à l'autre. Nous croyons de même qu'on peut y parvenir sans ralentir le taux de croissance économique des autres régions.

De plus, nous croyons qu'il y va sans aucun doute de l'intérêt national. Nous croyons que le Canada ne tirera le meilleur parti de ses possibilités que si toutes ses régions contribuent au maximum à la croissance générale. Si de vastes régions prennent de l'arrière sur le reste du pays et n'ont aucune chance de se rattraper, la croissance de la nation canadienne s'en trouvera inévitablement retardée. L'unité canadienne est menacée par les disparités régionales comme par les différences linguistiques ou culturelles. Cette menace n'est pas nouvelle. Permettez-moi de vous citer un extrait du rapport de la Commission royale d'enquête sur les relations entre le Dominion (comme on l'appelait alors) et les gouvernements provinciaux, organisme établi par le gouvernement du Canada, en 1937, qui a examiné le mode d'attribution des responsabilités et des pouvoirs du gouvernement fédéral et des gouvernements provinciaux, ainsi que les résultats de l'application de ce mode d'attribution:

"Toutefois, que les citoyens de provinces défavorisées en viennent à estimer qu'on ne s'intéresse pas du tout à eux constitue un

Quant à l'usage du français comme langue d'enseignement, nous sommes d'avis que les francophones de la Nouvelle-Ecosse doivent pouvoir jouir des mêmes droits et des mêmes avantages que la minorité anglophone du Québec.

Nous sommes d'avis que, la généralisation du bilinguisme au Canada étant un problème national, le peuple canadien devrait, par l'entremise du gouvernement fédéral, prendre à son compte les frais supplémentaires qui en découlent.

Nous avons pris note des propositions du deuxième volume du rapport de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Pour nous, il n'y a aucun doute que la mise en oeuvre de ces propositions entraînera d'énormes frais supplémentaires. Il est évident aussi que les provinces ne seront pas en mesure d'accepter beaucoup de charges supplémentaires, car leurs frais actuels au chapitre de l'éducation ont presque dépassé leurs moyens et ils continuent de s'accroître à un rythme accéléré.

Quel que puisse être le problème linguistique, nous sommes disposés à poursuivre avec d'autres la recherche de solutions pratiques pour l'intérêt de tous.

Je ne saurais trop insister sur la nécessité de consultations sérieuses entre le gouvernement du Canada et chacune des provinces avant la création de districts bilingues dans une province. Le gouvernement du Canada pourrait n'avoir besoin que d'une demi-douzaine de fonctionnaires pour établir un district bilingue. Mais c'est une tout autre histoire pour les provinces qui doivent fournir beaucoup plus de services à ce niveau. Pour faire la même chose, la Nouvelle-Ecosse aurait besoin d'un grand nombre de fonctionnaires provinciaux. De fait, à l'heure actuelle, la plupart des provinces (très certainement celles de l'Atlantique) n'ont pas de fonctionnaires connaissant vraiment bien les deux langues. Il faut bien comprendre que, même avec la meilleure volonté du monde, ce que, je l'espère, nous avons tous, il nous faudrait un certain temps pour trouver de tels fonctionnaires en nombre suffisant. Si la situation n'est pas clarifiée il y a danger que la simple création de districts bilingues soit considérée par ceux qui doivent en bénéficier comme une promesse dans l'immédiat alors que celle-ci sera impossible à tenir avant très longtemps. Si notre programme d'éducation porte fruit, la situation s'améliorera d'ici quelques

parler ici des droits linguistiques et des disparités régionales.

Dans le domaine des langues et de la culture, la Nouvelle-Ecosse a déjà pris un certain nombre de mesures importantes :

Par exemple, pendant la dernière session, la chambre a voté à l'unanimité une résolution affirmant le droit de chaque député de s'adresser à la chambre en anglais ou en français.

Le ministre de l'Éducation a annoncé la politique du gouvernement en matière d'enseignement et comme français comme langue d'enseignement et comme langue seconde dans les écoles de la Nouvelle-Ecosse, fondée sur l'hypothèse que le gouvernement fédéral est prêt à fournir une importante aide financière. Cette politique stipule que :

dans les régions où le nombre d'habitants d'expression française le permet et confortément au désir de la minorité d'expression française, l'emploi du français comme langue d'enseignement sera prévu;

dans toute autre région de la province où un certain intérêt sera exprimé, les commissions scolaires sont autorisées à décider si des cours choisis ou des cours à certains niveaux seront donnés en français dans le cadre du programme scolaire supporté par la province;

nous sommes à élaborer de meilleurs moyens pour l'enseignement du français comme langue seconde.

Nous établirons un service de traduction centralisé qui nous permettra de correspondre avec nos citoyens dans l'une ou l'autre des langues officielles.

Nous nous proposons d'offrir des cours de français aux membres de la fonction publique, si un nombre suffisant d'entre eux manifestent le désir d'acquiescer une certaine connaissance de l'autre langue. Je suis sûr que ceci se produira.

mais nous suggérons que les moyens utilisés pour y parvenir doivent être très sérieusement discutés et étudiés;

Nous savons que le Canada possède un énorme potentiel, mais la façon de l'exploiter dépend des Canadiens et de leur attitude, ainsi que de la détermination de tous à payer le prix de l'unité nationale;

Nous affirmons que la constitution d'un pays doit être conçue de manière à donner à tous ses citoyens les meilleurs moyens de vivre une vie heureuse, et que notre constitution doit être taillée à la mesure des besoins du pays et de ses habitants."

C'était là notre position en février dernier, c'est notre position aujourd'hui. Au moment où nous entamons nos discussions, permettez-moi de vous dire que la Nouvelle-Ecosse est prête à étudier très sérieusement toute proposition qui laisse entrevoir une contribution à l'unité nationale et une vie meilleure et plus heureuse pour chaque Canadien, où qu'il se trouve.

Nous estimons que la rédaction d'une nouvelle constitution mieux adaptée aux exigences actuelles de la vie canadienne comporte de grandes difficultés. Nous ne croyons pas qu'elles pourront être surmontées rapidement. Nous croyons que nous devons être prêts à étudier l'ensemble de la constitution, à échanger des idées, à concilier si possible des points de vue qui seront divergents. Chacun de nous aura parfois à accepter des propositions qu'il ne prise pas particulièrement si, ce faisant, nous pouvons neutraliser des sources de désaccord complet en arrivant à une solution acceptable.

J'ai déjà dit que nous abordons la présente Conférence sans idées préconçues et avec le désir d'étudier des propositions qui pourraient nous sembler, à première vue, tout à fait inacceptables. Nous croyons que tous les autres participants adopteront la même attitude.

Même si nous avançons que la création d'une nouvelle constitution exigera du temps, de la patience et de la sagesse, nous croyons également qu'un certain nombre de mesures peuvent être prises sans attendre qu'elles soient entérinées dans une nouvelle constitution. Je veux

Feu le premier ministre du Québec, l'honorable Daniel Johnson, sera extrêmement regretté, car il a su apporter à notre conférence la chaleur, la sincérité et le talent d'exprimer les espoirs et les aspirations de sa province et de ses citoyens avec calme, modération et force. J'offre à sa famille et au peuple du Québec l'expression de mes condoléances à la suite de sa tragique disparition, qui a été d'aillieurs ressentie par tout le Canada.

L'ancien premier ministre de l'Alberta, l'honorable Ernest Manning, qui a si bien et si longuement servi sa province et sa patrie, n'est plus parmi nous. Nous espérons qu'il jouira de nombreuses années de paix et de bonheur.

Nous souhaitons la plus cordiale bienvenue aux nouveaux premiers ministres du Québec et de l'Alberta.

Il est regrettable que le premier ministre de la Saskatchewan ne puisse être présent ici aujourd'hui pour cause de maladie. Je suis certain que vous serez tous d'accord avec moi pour lui souhaiter un prompt rétablissement.

Nous ne croyons pas que le but de cette Conférence consiste à étudier en détails les réalisations des deux conférences constitutionnelles précédentes. Nous croyons qu'il s'agit plutôt de poursuivre le travail en profitant de ce qui a déjà été fait, de manière à réaliser de nouveaux progrès. J'aimerais, toutefois, résumer en cinq points la position prise par la Nouvelle-Écosse lors de la Conférence constitutionnelle de février dernier:

"Nous partageons l'opinion qu'il existe un problème constitutionnel sérieux au Canada;

Nous croyons que les deux problèmes canadiens les plus importants et les plus sujets à contestation sont ceux qui ont trait à la langue et à la culture, et ceux qui concernent les disparités économiques régionales (étant donné les discussions de ces jours derniers il pourrait être nécessaire d'ajouter ici le problème de la fiscalité);

Nous reconnaissons le besoin de garantir les droits de l'homme dans une certaine mesure,

Allocution d'ouverture de

L'HONORABLE G.I. SMITH

premier ministre

de la

Nouvelle-Ecosse

à la

deuxième réunion

de la

Conférence constitutionnelle

Ottawa, le 10 février 1969

(TRANSCRIPTION)

Monsieur le premier ministre, je trouve qu'il est intéressant de se demander si l'inquiétude manifestée par monsieur Smalwood quant à l'atmosphère de ces débats est due à ce qui est arrivé ou au fait que j'avais à faire un discours. De toute façon, il m'a fourni l'occasion d'un bon départ.

Depuis notre dernière rencontre, un certain nombre d'événements sont survenus, entraînant la présence de nouvelles figures à la Conférence, au nombre desquels se trouve celui qui la préside. Au nom de tous les habitants de la Nouvelle-Ecosse, je vous offre nos plus sincères félicitations pour avoir accédé à la plus haute fonction politique du pays. Je puis vous assurer que nous nous présentons à cette Conférence remplis de bonnes intentions et d'un désir sincère de contribuer à son succès. Nous nous efforcerons de ne pas rendre vos fonctions de président trop lourdes, et nous espérons même que vous les trouverez agréables.

L'ancien premier ministre, le très honorable Lester Pearson, a, l'an dernier, fait bénéficier notre première conférence constitutionnelle de son immense talent. C'est un plaisir de voir qu'il est parmi nous à titre d'observateur et qu'à ses côtés on retrouve un autre ancien premier ministre, le très honorable John Diefenbaker.

Allocution d'ouverture de
L'HONORABLE G.I. SMITH
Premier Ministre
de la
Nouvelle-Écosse
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

trouvera, je l'ai dit tantôt, l'expression dans les différents mémoires que nous avons présentés jusqu'à maintenant et dans le document de travail préparé par nos fonctionnaires.

Nous croyons que dans un pays comme le nôtre, il ne serait ni sage, ni humain, ni efficace de vouloir tout uniformiser. Nous croyons qu'une liberté d'option sera toujours nécessaire en certains domaines, non seulement pour donner au Québec toute l'autonomie dont il a besoin, mais aussi pour permettre aux autres provinces de confier au gouvernement central, ou d'exercer conjointement avec lui, les tâches qu'elles ne désirent pas remplir de leur seule initiative. Nous croyons que c'est une regrettable erreur, dont les autres souffriront autant que nous, de vouloir que dans tous les domaines, les mêmes mesures s'appliquent de la même façon à toutes les provinces.

A ceux qu'éfraye l'élaboration d'une nouvelle constitution, je rappellerai tout simplement qu'il y va de l'avenir même du Canada; que la tâche n'est pas au-dessus de l'envergure intellectuelle, de la capacité d'innovation et de la puissance d'amitié des Canadiens de l'une et l'autre cultures.

Merci.

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur le premier ministre Bertrand.

Nous aurons maintenant le plaisir d'écouter l'allocation de l'honorable monsieur Smith, premier ministre de la Nouvelle-Ecosse.

s'acquitter comme il le voudrait de toutes ses responsabilités constitutionnelles dans le domaine de la santé, de l'éducation et du bien-être social? Le problème fiscal est donc étroitement lié à la révision constitutionnelle puisque la présence ou l'absence de ressources financières suffisantes est un facteur absolument déterminant dans l'exercice normal des responsabilités constitutionnelles de chaque ordre de gouvernement. De toute nécessité, le gouvernement fédéral doit comprendre que c'est le fonctionnement de tout le pays qui est en jeu en cette matière.

Pour toutes ces raisons, monsieur le président, chers collègues, il nous faut une constitution entièrement nouvelle, conçue en fonction des idées et des besoins d'aujourd'hui. Voilà certainement la tâche la plus importante qu'il nous ait jamais été donné d'entreprendre ensembles. L'avenir même de notre pays et le bien-être de tous les citoyens en dépendent directement. Que nous ayons besoin d'une charte des droits de l'homme, soit; mais nous avons besoin aussi et tout autant d'une charte des droits des provinces.

La réforme constitutionnelle est en réalité la seule solution permanente que nous puissions apporter à la crise très profonde que traverse le Canada. Nous avons besoin d'une nouvelle entente sur les choses essentielles; il nous faut préciser bien clairement les grandes règles qui doivent régir les relations entre les gouvernements; nous devons repenser la structure constitutionnelle même de notre pays, sa forme, ses objectifs, de façon que nos institutions politiques puissent répondre aux nécessités d'aujourd'hui et de demain. Surtout, il est devenu essentiel de donner au Canada français, dont le Québec est le point d'appui, le sentiment profond qu'il peut trouver dans la fédération canadienne tous les éléments nécessaires à son propre développement. Car il faut bien reconnaître que, depuis quelques années, ce sentiment de confiance est de plus en plus remis en question et que le doute a surgi dans l'esprit de plusieurs Québécois.

Cette période d'interrogation et d'incertitude ne saurait durer indéfiniment. Des choix seront faits. Déjà, des mouvements sont nés dont le but avoué est de mettre fin à l'expérience fédérative. Il devient donc urgent de proposer à l'assentiment de notre population un nouvel instrument de liberté et de solidarité.

Le Québec a évidemment des idées bien précises sur les grandes lignes de cette nouvelle constitution. On en

provinciale, en animation sociale et même en droit civil par le biais de l'impôt sur les successions. On dirait que pour lui, les gouvernements provinciaux sont tout au plus des divisions administratives d'un pouvoir central riche, omnipotent et dominateur.

Rien ne le montre mieux que ce qui risque de se passer dans le domaine de la santé, et nous avons eu l'occasion d'en parler à deux conférences fédérales-provinciales des ministres des finances, celle du mois de novembre et à sa continuation en décembre dernier, - dont l'occasion d'en parler à deux conférences fédérales-provinciales des ministres des finances, et suivant leurs disponibilités financières, et suivant les décisions que les provinces elles-mêmes prendront, - et on impose ainsi des contributions directes pour des fins provinciales, contrairement à l'esprit et à la lettre de la constitution actuelle. On fausse l'ordre des priorités des gouvernements provinciaux. On crée un marasme fiscal dont les contribuables sont toujours en définitive les principales victimes. Et je rejoins là, je crois, les idées que l'on mentionnait tantôt des problèmes immédiats auxquels les gouvernements provinciaux, et en particulier le gouvernement du Québec, a à faire face lorsqu'il s'agit d'élaborer son budget; et le ministre des finances, qui est à ma gauche, a eu l'occasion de le dire à son collègue fédéral lors de la conférence de décembre, comme j'avais eu moi-même l'occasion de le faire en novembre dernier. On crée donc un marasme fiscal, je le répète, dont les contribuables sont toujours, en définitive, les principales victimes.

Et ce marasme fiscal a des conséquences à la fois économiques et constitutionnelles qu'on ne saurait négliger. Le gouvernement du Québec est fort conscient qu'il doit contribuer à doter sa population des instruments qui lui manquent encore dans le domaine économique. Il est également fort conscient des inégalités considérables qu'on peut trouver entre les diverses régions de son territoire. Il sait en outre qu'il a un effort de développement économique à mener à bonne fin, et ce dans plusieurs domaines.

Mais comment peut-il y arriver alors que la répartition actuelle des ressources fiscales au Canada l'empêche non seulement de se lancer dans des initiatives essentielles d'ordre économique, mais aussi et souvent de

d'autres termes, il faut qu'il y ait primauté de la constitution sur les deux ordres de gouvernement, et non pas primauté du pouvoir central sur les Etats fédérés. Autrement, même s'il y a décentralisation sur le plan administratif, nous sommes en présence d'un régime de conception unitaire et non pas fédérative.

A l'heure présente, par suite de l'évolution de la société et du rôle considérable de l'Etat dans des secteurs d'activité qu'on ne pouvait pas imaginer il y a un siècle, il est donc absolument essentiel et il devient de plus en plus urgent de revoir toute la question de la répartition des pouvoirs entre le gouvernement central et les gouvernements des provinces.

Notre constitution actuelle - j'allais dire notre vieille constitution - est silencieuse sur tellement de points que souvent, elle ne nous permet pas de savoir de quel gouvernement relève tel ou tel champ d'action. Et d'ailleurs, le Premier ministre de l'Ontario le notait tantôt, c'est normal: les Pères de la Confédération ne pouvaient pas prévoir quelle serait l'évolution dans cent ans, 1867 à 1967. Plus encore, cette constitution n'est même pas respectée. Avec le résultat que le gouvernement fédéral, grâce à ses ressources financières, finit par occuper des domaines où l'intérêt du Québec est pourtant vital.

La question est aussi urgente pour les autres provinces. Nous constatons tous que la constitution pré-sente n'a pas empêché Ottawa de poursuivre cette invasion méthodique et autoritaire des domaines réservés aux provinces, invasion qui a pris depuis quelques mois une ampleur sans précédent, facilitée par l'accaparement des sources de revenus alors que toutes les administrations, les plus proches du peuple, le gouvernement provincial, les municipalités, subissent une contrainte financière de plus en plus paralysante.

Le gouvernement fédéral actuel, aidé par un partage fiscal dont on ne dira jamais assez qu'il est injuste et qu'il joue contre les libertés légitimes des provinces, se découvre des responsabilités partout: en radio-télévision éducative, en affaires culturelles, en affaires urbaines, en richesses minières sous-marines, en commerce des valeurs mobilières, en enseignement supérieur, en recherche universitaire, en pollution de l'eau, de l'air et du sol, en transport routier, en relations avec l'étranger même s'il s'agit d'éducation ou d'autres secteurs de compétence

que nous impose ici le jeu de la démocratie.

Ce serait donc, monsieur le président, rester à la surface des choses que de ne voir, dans le problème constitutionnel canadien, qu'une question de droits personnels ou de droits linguistiques. Je ne dis pas que ces droits ne sont pas importants; mais je dis que ce n'est pas le fond du problème qui nous rassemble ici.

S'il y a crise au Canada, ce n'est pas parce qu'il s'y trouve des individus qui parlent des langues différentes; c'est parce qu'il s'y trouve deux collectivités, deux peuples, deux nations dont il faut harmoniser les rapports.

L'important pour les Canadiens français du Québec, ce n'est pas de pouvoir, individuellement, parler leur langue même dans les régions du pays où elle a très peu de chances d'être comprise; c'est de pouvoir collectivement vivre en français, travailler en français, se construire une société qui leur ressemble; c'est de pouvoir organiser leur vie communautaire en fonction de leur culture. Et cela n'est vraiment possible que si le gouvernement du Québec possède des pouvoirs proportionnés aux tâches que sa population attend de lui. Sans le Québec, il pourrait y avoir encore des minorités françaises, mais il n'y aurait plus vraiment de Canada français.

Ce que nous cherchons ensemble, c'est donc le régime constitutionnel le plus propre à concilier le libre épanouissement des deux communautés culturelles canadiennes avec les impératifs de la solidarité économique. Et puisque c'est au Québec surtout que l'une de ces deux communautés peut assumer la maîtrise de son destin, le problème revient à ceci; et, depuis combien d'années se pose-t-il: comment faire pour qu'il y ait un Québec fort au sein du Canada?

Je crois que c'est encore dans un régime de caractère fédéral que nous pouvons trouver la meilleure réponse à cette question, pourvu cependant qu'il s'agisse d'un fédéralisme authentique et non pas d'une façade trompeuse.

Pour qu'il y ait fédéralisme authentique, il faut que le partage des pouvoirs entre les deux ordres de gouvernement dépende non pas du bon vouloir d'une autorité centrale, mais d'une constitution écrite, reconnue et respectée de tous comme la loi fondamentale du pays. En

b) l'adoption d'une procédure d'amendement;

c) la révision de la répartition des ressources fiscales et de leur produit;

d) l'atténuation des inégalités économiques régionales;

e) la mise sur pied de mécanismes de coopération et d'ajustement par voie de délégation ou autrement,

Le Québec n'est pas seul non plus à souffrir d'une disproportion très grande entre ses responsabilités et ses sources de revenus. Et je pense bien que cette phrase que je viens de dire n'est que le leitmotiv, monsieur le président, de celle que vous venez d'entendre de la bouche du Premier ministre de l'Ontario, et que vous entendrez également de la bouche de tous les Premiers ministres des provinces canadiennes. En un mot, le Québec n'est pas seul à tenir à son autonomie.

Disons toutefois qu'il a des raisons particulières d'y tenir, en plus des raisons qui sont communes à toutes les provinces. Et cela va beaucoup plus loin que la mise en valeur d'un héritage linguistique. Car, une langue, ce n'est pas seulement une façon de s'exprimer; c'est d'abord une façon de penser; mieux c'est d'abord une façon d'être; c'est la manifestation première d'une culture. La dualité canadienne ne tient donc pas seulement à une différence de langues; elle tient, avant tout, à des façons différentes de voir, de sentir, de réagir devant les événements. Un Canadien français n'est pas la transposition dans une autre langue d'un Canadien anglais. Il parle différemment parce qu'il est différent. Et, me rappelant les propos de Murray Ballantyne, à l'occasion d'une conférence sur les affaires canadiennes, à l'Université Laval, à Québec, en 1961, où il disait, lui qui est un bilingue parfait: quand je m'exprime en français, je me sens un homme différent. Manière de penser, manière de parler différentes.

Or, à chaque fois que s'affrontent sur une question importante ces deux façons d'être et de réagir, on voit le gouvernement du Québec s'identifier, d'instinct, à la majorité francophone du Québec; et le gouvernement d'Ontario s'identifier d'instinct à la majorité anglophone du Canada, quelles que puissent être par ailleurs la langue ou l'appartenance culturelle de ceux qui, dans une circonstance donnée, incarnent l'autorité. Tel est le poids

avait dit d'ailleurs que nous rendions public ce document de travail contenant les soixante propositions d'étude des fonctionnaires du comité parlementaire de la Constitution à Québec.

Nous avons voulu le rendre public, pour que toute la population puisse en prendre connaissance, et qu'on en discute le teneur. On se demandait: qu'est-ce que Québec veut? Vous avez, dans ces soixante propositions, -- j'y reviens, -- en résumé à peu près tous les mémoires majoritaires qui ont été présentés au comité parlementaire de la Constitution à Québec.

D'ailleurs, le Premier ministre du Canada et le Premier ministre de l'Ontario viennent de le noter: Nous ne sommes plus au temps où les constitutions pouvaient s'écrire en quelques jours derrière des portes closes. Nous croyons qu'en cette époque, où s'avère possible et nécessaire une véritable démocratie de participation, qu'il est essentiel d'associer le peuple toute entier à l'élaboration de notre nouvelle constitution. Pour la même raison, je suis heureux que nos délibérations se déroulent encore aujourd'hui en présence de tout le pays, grâce aux caméras de la télévision. Je demande donc à tous ceux qui ont à coeur l'avvenir de leur pays de se procurer le document de travail québécois, de le lire avec attention, de le commenter et d'en discuter publiquement. Quant à nous, nous avons pris connaissance, avec beaucoup d'intérêt, des propositions faites par les autres gouvernements.

A cause de tout le travail qui a été accompli, à cause de la prise de conscience qui s'est produite au Québec, à cause de l'évolution des esprits dans le reste du Canada, j'estime donc que nous aurions tort de nous attarder à la surface des choses. Nous devons nous attaquer à l'essentiel du problème, et tout de suite. Nous devons nous situer carrément dans une perspective dynamique, travailler en fonction d'une société en devenir, un Canada nouveau à créer, d'une jeunesse qui n'a peut-être plus la patience des générations qui l'ont précédée. Le Québec n'est pas seul à souhaiter des modifications constitutionnelles et je ne suis pas loin de croire toutes les provinces unanimes sur les objectifs suivants:

a) Le rapatriement de la constitution;

doute profondément cru, puisqu'il a signé ce rapport.

Heureusement, la Conférence sur la Confédération de Demain, convoquée par l'Ontario, par le Premier ministre, monsieur Robarts, que nous retrouvons de nouveau à cette Conférence, convoquée, dis-je, par l'Ontario, en novembre 1967, a permis, pour la première fois, d'entreprendre un examen approfondi de la question. Et ici même, en février 1968, nous avons convenu qu'il fallait revoir ensemble les divers aspects du problème constitutionnel, y compris son aspect, à notre avis, le plus fondamental, celui de la répartition des pouvoirs. Et vous me permettez, monsieur le Président, de saluer ici celui qui, à l'époque, présidait cette Conférence, le très honorable monsieur Pearson, ancien Premier ministre du Canada; et de saluer également, celui qui est assis à ses côtés, le très honorable John Diefenbaker.

J'assistais à ces deux conférences, celle de Toronto et celle d'Ottawa; et j'ai participé étroitement avec monsieur Johnson, et les collègues qui m'accompagnaient, de la délégation du Québec, et tous les collègues qui participaient à la préparation des documents et autres documents qui ont été présentés au nom du Québec.

Depuis cette réunion de l'an dernier, des travaux importants -- vous l'avez noté tantôt, -- se sont poursuivis grâce à la création par cette conférence d'un secrétariat et d'un comité permanent des fonctionnaires. Le Québec, pour sa part, a fait un effort considérable pour préciser davantage sa pensée. Un ensemble d'environ soixante propositions, portant sur tous les principaux aspects de la révision constitutionnelle, a été préparé comme document de travail susceptible d'amorcer les discussions constitutionnelles. Conformément à ce qui a été convenu pour les documents de cette nature, ces propositions n'expriment pas, et d'ailleurs, je crois que dans votre document intitulé "la constitution canadienne des droits des citoyens", vous faites la même réserve quant au gouvernement canadien, -- n'expriment pas l'attitude arrêtée du gouvernement du Québec; elles n'en constituent pas moins un ensemble que nous soumettons à l'analyse des autres gouvernements, du peuple québécois et de toute la population canadienne.

Ce document de travail, comme vous le savez, a été rendu public en octobre. Lors de sa conférence de presse, je dirai "pan-canadienne", quelques jours avant sa mort, mon collègue et prédécesseur, monsieur Daniel Johnson,

malentendus qui nous affligent, et d'asseoir sur des bases stables, l'harmonie entre nos deux communautés culturelles.

Certains se sont demandés quel effet pourrait avoir la disparition soudaine de monsieur Johnson, sur la politique constitutionnelle du Canada ou du Québec. Le style, bien sûr, peut changer; on comprendra toutefois que la substance de cette politique ne saurait varier tellement. Les hommes passent, mais la réalité québécoise demeure.

Je suis ici non pas pour modifier, ni encore moins pour contredire les multiples déclarations, mémoires et autres documents officiels qui ont exprimé l'attitude du Québec sur ce problème vital, avant ou après les élections de juin 1966; mais pour appuyer et préciser les solutions déjà proposées par le Québec et montrer ici l'urgence de ces solutions.

Quand, en mai 1963, j'ai présenté, alors que j'étais député dans l'opposition, au Parlement du Québec, une motion portant création d'un comité parlementaire de la constitution, j'obéissais déjà à ce sentiment d'urgence, sentiment d'alliés partagé par tous les députés des deux côtés de la Chambre au Parlement de Québec, puisque la motion fut adoptée à l'unanimité. Nous étions tous conscients de la gravité de cette crise que, dans son rapport préliminaire, publié en février 1965, la Commission d'enquête sur le bilinguisme et le biculturalisme -- la Commission Duntou-Laurendeau -- devait décrire comme: "la crise majeure de notre histoire", une crise "qui menace l'existence même du Canada".

Ce qui est en cause dans cette crise, beaucoup plus que les droits de l'homme ou que les droits linguistiques des minorités. C'est quelque chose de plus profond et de plus fondamental: "L'essentiel est menacé", disait-on dans ce premier rapport Duntou-Laurendeau, "c'est-à-dire, la volonté de vivre ensemble". Et le document dit aussi: "C'est l'heure des décisions et des vrais changements. Il en résultera soit la rupture, soit un nouvel agencement des conditions d'existence".

Je sais que ces propos de la Commission Duntou-Laurendeau ont, au moment où ils ont été rendus publics, été l'objet de discussions profondes sur la scène canadienne, et que les hommes politiques n'y ont pas cru. Mais nous, du Québec, et monsieur Laurendeau en particulier, qui était un des rédacteurs de ce rapport Duntou-Laurendeau, qui connaissait bien les problèmes québécois, y a sans

Allocution d'ouverture de

L'HONORABLE JEAN-JACQUES BERTRAND

premier ministre

du

Québec

à la

deuxième réunion

de la

Conférence constitutionnelle

Ottawa, le 10 février 1969

Monsieur le Premier ministre du Canada, mes chers collègues, mesdames, messdemoiselles, messieurs:

Je vais d'abord remercier très sincèrement le

Premier ministre du Canada et les premiers ministres des

diverses provinces d'avoir bien voulu, à la demande du

Québec, retarder de quelques semaines la tenue de cette

réunion qui devait avoir lieu au milieu de décembre. Ayant

été personnellement la cause de ce retard, je tiens à m'en

excuser auprès des autres délégations. Et je me joins à

vous, monsieur le président, pour offrir au Premier ministre

de la Saskatchewan, les vœux de la délégation du Québec

pour un prompt rétablissement. Le Québec a été très touché de

l'obligeance avec laquelle toutes les délégations ont

accepté les inconvenients du changement de date de décembre

à février.

Je voudrais également évoquer le souvenir de celui

qui dirigeait la délégation du Québec lorsque cette conférence

entrepris ses travaux en février 1968. Je n'ai pas

besoin de redire ici l'intérêt que portait aux problèmes

constitutionnels mon regretté prédécesseur et ami,

Daniel Johnson.

Ce fut toujours sa grande ambition de voir notre

pays se donner une constitution entièrement nouvelle et

entièrement canadienne, capable de mettre fin aux

Allocution d'ouverture de
L'HONORABLE JEAN-JACQUES BERTRAND
du
premier ministre
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

Je voudrais vous citer quelque chose qui, je crois, est tiré d'une ancienne prière.

"Nous devrions avoir la sérénité nécessaire d'accepter ce qui ne peut être changé; le courage de changer ce qui peut l'être et la sagesse d'en savoir la différence."

LE TRÈS HONORABLE P.E. TRUDEAU: Merci, monsieur le premier ministre Robarts.

Maintenant, je vais donner la parole au premier ministre de la Province de Québec, l'honorable Jean-Jacques Bertrand.

L'habileté de faire des compromis. Je dis compromis parce que certains points de vue sembleront irréconciliables et être fait par l'exercice du bon jugement et de la bonne volonté de tous. Ceci mènera éventuellement à un compromis, auquel nous pouvons arriver.

A mon avis ceci n'est pas une tâche impossible. N'allez surtout pas croire que je m'illusionne sur les difficultés d'une telle entreprise mais, si l'on regarde un peu l'histoire pour voir ce que nous avons pu réussir dans le passé, je crois que nous pouvons penser à l'avenir avec optimisme. Nous trouverons des solutions à nos problèmes.

Je crois que nous sommes bien partis. J'aime bien ces réunions que nous avons et je ne m'inquiète pas lorsqu'on me parle en termes de "confrontation", parce qu'il ne s'agit pas d'une confrontation. Nous sommes là pour présenter nos divers points de vue, ce dont nous avons l'habitude. En conséquence, je ne crois pas que nous ayons de besoin de nous laisser convaincre que nous sommes en période de crise. Nos efforts seront couronnés de succès comme c'est arrivé plusieurs fois dans le passé.

Je suis très heureux que ces conférences soient mises à la portée du public par le truchement de la télévision. Je sais que, depuis les dix-huit mois que ces conférences sont publiées, les citoyens de l'Ontario sont beaucoup plus au courant de ce qui se passe. Ils comprennent à savoir quels sont les problèmes en cause et quelle importance nos travaux revêtent pour leur vie quotidienne.

C'est pourquoi, monsieur le premier ministre, nous avons besoin de toutes ces discussions. Je crois que vous êtes partisan d'une plus grande participation du public dans ces questions et à mon avis, c'est une attitude très saine; je vous en félicite. Je vous félicite aussi de ce que vous avez fait dans ce domaine. Nous sommes donc impatientes de voir un fédéralisme de participation s'instaurer dans les discussions autour de cette table.

En terminant, je dirais que notre fédération et notre constitution seront telles que nous les ferons. Quelques soient les textes constitutionnels, ce sont les hommes qui leur donnent la vie. Si nous envisageons ces problèmes dans une bonne perspective nous pourrions écrire ce que nous voulons faire. Mais ce sera l'attitude de chacun qui déterminera la validité de notre constitution et qui fera de notre pays ce que nous savons qu'il peut être.

d'essayer de nous dépasser les uns les autres, manœuvre politique qui se pratiquait chez-nous ces dernières années. Je crois que nous devrions plutôt nous efforcer de développer une association entre nos gouvernements. Nous devons reconnaître la force de nos deux communautés linguistiques et aussi la richesse de toutes les cultures qui ont contribué à faire le Canada.

Nous devons rechercher un équilibre entre les besoins nationaux et les intérêts régionaux. Aussi difficile à atteindre qu'il soit, cet équilibre nous est essentiel. Nous devons décider que les revenus perçus et les dépenses encourues pour satisfaire à nos responsabilités doivent être équivalents. Nous devons trouver les moyens d'évaluer les divers problèmes et besoins de toutes les régions qui font le Canada.

Nous croyons que ce fédéralisme efficace serait en même temps très souple. Nous devons définir et préserver la distinction fondamentale entre le fédéralisme et l'Etat centralisateur. Nous ne sommes pas impressionnés par l'Etat centralisateur mais bien par les principes du fédéralisme. Nous sommes en faveur d'un gouvernement central fort et nous l'avons toujours été. Nous croyons qu'il est essentiel pour la satisfaction des intérêts canadiens en général. Les divergences à travers le pays exigent un gouvernement fort qui puisse préserver l'unité dans la diversité. Notons cependant que notre point de vue n'est pas à l'effet que tous les pouvoirs doivent être remis au gouvernement central. Je crois que nous devons étudier cet aspect du problème avec beaucoup de sérieux.

Je crois que nous devons adopter certains principes d'un fédéralisme nouveau. C'est ce que j'essaie de vous dire ce matin, de ma façon quelque peu hésitante. Je crois fermement que nous devons adopter certains de ces principes et que nous devons faire en sorte qu'ils soient respectés.

Mon gouvernement et moi-même avons apprécié les occasions qui nous sont fournies à ces réunions de discuter longuement de ces questions. Nous avons changé d'idée à l'occasion et nous le ferons sûrement à nouveau. C'est là le but de toute discussion que de présenter les divers points de vue afin que tous puissent les étudier pour ensuite en tirer ceux qui semblent les meilleurs.

De toute évidence, nous allons encore une fois pratiquer cette grande caractéristique canadienne,

Si ceci devait arriver, je crois que ce pays en changeant la constitution écrite. Ceci se double d'une considération pratique car il n'est pas possible de discuter de l'avenir de ce pays d'une façon fragmentaire. Nous devons examiner toute la situation et à l'intérieur de cette situation les questions fiscales sont importantes. Je ne dis pas qu'elles sont plus importantes que d'autres, je dis qu'elles sont aussi importantes. Nous avons l'intention de continuer à prospérer en Ontario; et nous ne pouvons oublier non plus que le gouvernement fédéral y puise 45 pour cent de ses revenus. En somme, il n'y a là que quelques réalités que je vous expose à l'appui de la position prise par l'Ontario, c'est à-dire que toutes les questions en cause sont inséparables.

Nous croyons que le contribuable canadien ne se préoccupe pas beaucoup de savoir quel ordre de gouvernement, soit fédéral, soit provincial, prélève des impôts sur ses revenus. Je crois que ce qui le préoccupe, c'est le total de ces prélèvements. Le citoyen canadien n'a que faire de vaines querelles constitutionnelles: il veut que son gouvernement se décharge de ses responsabilités d'une façon efficace et économique. Le citoyen canadien veut que son gouvernement lui fournisse une atmosphère dans laquelle il peut vivre heureux et élever ses enfants. Si cela est vrai, si mon point de départ est juste, alors je crois que c'est notre rôle à nous, qui devons nous acquitter de ces responsabilités, d'assurer que chaque ordre de gouvernement a les moyens de satisfaire à ses devoirs envers les citoyens.

Nous ne sommes plus au temps où un gouvernement pouvait penser qu'il était habilité à décider des besoins de tous les Canadiens. Je crois qu'il nous faut mettre en oeuvre un nouveau fédéralisme. Je crois que ceci devrait être un des buts de cette Conférence, que nous ayons un nouveau fédéralisme reflétant le fait que nous sommes en réalité des partenaires égaux qui sont engagés ensemble dans une entreprise passionnante.

Si l'on pense aux possibilités de ce pays, je crois que nous devons commencer à coopérer plus efficacement que nous ne l'avons fait jusqu'ici. J'aimerais voir se développer et se maintenir un fédéralisme efficace. C'est ce que l'Ontario recherche, c'est là que nous voyons le noeud du problème. Nous devons adopter le meilleur fédéralisme possible pour le Canada et ses citoyens, dans le présent et pour l'avenir. Je crois que nous devons éviter

Nous avons commencé à faire certaines choses et nous continuerons à les faire. Nous étions de bonne foi et nous continuerons parce que nous croyons être dans le droit chemin. Ces programmes sont adaptés aux besoins du demi-million et plus de nos citoyens vivant en Ontario pour qui le français est la langue d'usage. Je reparlerai de tout ceci plus longuement un peu plus tard mais il me fallait le mentionner en ce moment.

Revenons maintenant à la question plus générale du fédéralisme. À mon avis, les Pères de la Confédération ont, en 1867, rédigé une constitution qui traitait des problèmes tels qu'ils étaient perçus à cette époque. Ils ont de cette façon donné certaines responsabilités aux provinces, sans vraiment savoir quelle importance prendraient ces responsabilités dans notre premier siècle. Prenons par exemple la question du réseau routier de notre pays. Il aurait été impossible que les Pères de la Confédération aient prévu l'invention de l'automobile et les implications qui en découleraient quant aux responsabilités provinciales pour la construction des routes. Ceci n'est qu'un exemple mais je veux l'employer pour montrer que tout a changé, sauf la constitution. Les responsabilités financières et les pouvoirs des provinces dans un grand nombre de domaines se sont développés d'une façon que les Pères de la Confédération n'auraient jamais pu imaginer même dans le cadre de leurs rêves les plus extravagants. Nous avons des besoins urgents; ils sont d'importance et il nous faut y trouver des solutions. Monsieur le premier ministre, je suis d'accord avec vous quand vous dites que nous ne pouvons plus nous satisfaire de mesures disparates. Nous ne pouvons plus penser en termes d'une solution qui ne serait valable que pour une période de deux ou trois ans, mais nous devons rechercher une solution permanente. Nous croyons qu'il nous faudra maintenant reconnaître, plus que cela n'a été fait jusqu'ici, les responsabilités provinciales et il nous faudra être plus explicites au niveau des moyens par lesquels les provinces pourront satisfaire à leurs responsabilités.

Laissez-moi vous dire comment nous envisageons ceci en Ontario. Si nous ne pouvons obtenir une meilleure part des revenus fiscaux et si nous refusons de surtaxer nos citoyens et nos industries, nous devons régresser au niveau de nos programmes actuels. Entre autres, je mentionnerais plus spécifiquement l'éducation, la santé, les transports, le développement énergétique, le développement des ressources, le logement, la rénovation urbaine et le problème de la pollution.

mener à bien, beaucoup de savoir faire politique et un accord général. Je crois que ce processus qui doit être entrepris par nos citoyens et leurs gouvernements sera placé sous de meilleurs auspices si le pays jouit d'une stabilité politique et fiscale. S'il nous faut étudier les grandes questions liées aux modifications de la constitution, je crois que nos délibérations auront plus de succès si le peuple canadien est confiant quant à l'avenir immédiat du pays. C'est pourquoi je crois qu'une importance fondamentale doit être accordée par les gouvernements à la solution des besoins immédiats des citoyens tels qu'ils existent en ce moment. En même temps, il est important que nous prenions le temps nécessaire, et il en faudra beaucoup, pour discuter les questions liées aux modifications constitutionnelles, questions qui sont plus complexes et qui ont une portée plus grande. En d'autres mots, il nous faut obtenir de meilleurs résultats à partir du cadre constitutionnel actuel pendant que nous prenons le temps requis pour le modifier.

Il n'est pas nécessaire que je brosse un tableau de nos problèmes à l'usage des personnes ici présentes. Nous avons des problèmes à long terme et nous en avons aussi à court terme. Ces derniers sont d'un intérêt immédiat pour nos citoyens et je citerais, entre autre, le logement, les écoles, les hôpitaux et les routes.

Le problème fondamental au niveau constitutionnel est relié aux questions suivantes: De quel Canada voulons-nous? Quel Canada aurons-nous? Quel genre de Canada devons-nous édifier pour répondre aux besoins et aux désirs de nos citoyens? Ce sont là des questions fondamentales qui sont au coeur même de notre régime fédéral. Evidemment, nous, citoyens de l'Ontario, aurons beaucoup à dire au sujet de chacun des articles de l'Ordre du jour qui traitent de l'avenir du Canada.

En passant, je voudrais dire que l'Ontario avait pris certains engagements ici en février 1968. Je n'ai pas l'intention de parler de ceci très longtemps car nous y reviendrons plus tard lorsque les différents articles de l'Ordre du jour seront discutés. Cependant, j'aimerais vous faire remarquer que durant cette dernière année l'Ontario a fait beaucoup de progrès dans la mise en oeuvre des engagements qu'elle avait pris. Nous croyons avoir fait beaucoup de chemin, dans la reconnaissance des droits linguistiques et notamment en ce qui concerne l'éducation à l'intérieur de notre province.

du jour.

Les citoyens canadiens ont toujours eu des points de vue souvent fort différents, cependant ils ont toujours réussi comme ils doivent le faire d'ailleurs à vivre en harmonie. Ces points de vue doivent être réconciliés si nous devons vivre ensemble, former, créer, et maintenir l'existence de notre pays. La discussion sur l'Ordre du jour qui a eu lieu ces jours-ci est, je crois, un très bon exemple des différences qui existent entre nos divers points de vue. Il y a, de toute évidence, une solution à ces problèmes.

L'Ontario est d'avis que toutes ces questions doivent être discutées de front. Nous ne croyons pas qu'elles peuvent être divisées. Nous ne croyons pas qu'il puisse séparer les problèmes constitutionnels des problèmes linguistiques non plus que ces deux catégories de problèmes pourraient être séparées des problèmes fiscaux si nous devons atteindre notre objectif commun. Mon avis personnel à ce sujet est que rien ne pourrait être plus dangereux pour l'avenir du pays que si nous devons négliger ou mettre de côté sans discussion certains problèmes auxquels nous devons faire face maintenant. À mon avis, les grandes priorités nationales sont la modification de la constitution, les droits linguistiques et la direction équilibrée des affaires et du financement de notre pays. Or, le point de vue de l'Ontario est simplement que nous ne pouvons discuter de ces questions séparément mais qu'elles doivent être discutées ensemble.

Monsieur le premier ministre, en ce qui concerne les commentaires que vous avez fait et les suggestions que votre gouvernement veut mettre de l'avant dans le domaine des modifications à la constitution, j'ai été frappé par le fait qu'il nous faudra beaucoup discuter, beaucoup penser et beaucoup chercher tout en ne perdant pas de vue le fait que nous ne pouvons attendre indéfiniment pour faire les choses qu'il nous faut faire dans notre pays. Nous devons aller de l'avant. Je crois qu'il est important, au niveau psychologique, que nous démontrions aux citoyens de ce pays que nous sommes prêts à inaugurer le deuxième siècle de la Confédération en manifestant un esprit ouvert, d'une façon qui nous permettra à tous d'introduire les changements qui sont nécessaires pour faire face aux besoins du deuxième siècle de notre histoire. Le processus de modification de la constitution sera une entreprise fort compliquée. Il faudra, pour la

Allocution d'ouverture de

L'HONORABLE J.P. ROBERTS

Premier Ministre

de l'Ontario

à la

deuxième réunion

de la

Conférence constitutionnelle

Ottawa, le 10 février 1969

(TRANSCRIPTION)

Monsieur le premier ministre, chers collègues, mesdames et messieurs.

Il y a un peu plus d'un an, l'Ontario a eu le privilège de vous recevoir à la première conférence intergouvernementale publique qui traitait des problèmes du fédéralisme canadien d'aujourd'hui. Vous avez reconnu la conférence sur la Confédération de demain. Cette conférence a été suivie, en février dernier, par une autre qui s'est tenue dans cette pièce même. Selon le désir de tous de faire participer le peuple canadien d'un océan à l'autre à la discussion des grands problèmes du fédéralisme d'aujourd'hui, cette Conférence aussi a été publique. Nous sommes ici aujourd'hui pour continuer ce travail, monsieur le premier ministre. Je crois, en accord avec vous, que c'est un travail qui durera plusieurs années. Nous n'aurons certainement pas une nouvelle constitution à l'ajournement de cette réunion mercredi après-midi.

C'est un plaisir pour moi que d'être ici à titre de représentant des citoyens de l'Ontario et j'espère que nous pourrons faire de réels progrès dans la recherche d'une solution pour l'avenir. L'Ordre du jour est plein de questions difficiles, plusieurs ayant fait l'objet de nos discussions. Au nom de l'Ontario je suis heureux de continuer la discussion de ces questions et je serai prêt à discuter de toutes celles qui sont inscrites à l'Ordre

Allocution d'ouverture de
L'HONORABLE J.P. ROBARTS
Premier Ministre
de l'Ontario
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

Bien sûr, les sources de revenus et les pouvoirs de dépenses sont de toute première importance pour les gouvernements, et nous voudrions en discuter au cours de nos réunions. Bien sûr, les droits de l'homme et les droits linguistiques représentent, pour le citoyen canadien, des valeurs fondamentales, et nous en parlerons également.

Mais ce qui est d'abord en cause ici, c'est le pays lui-même, c'est son unité, c'est son avenir. C'est là la vraie réalité de nos débats. Nous sommes à redéfinir l'existence même du Canada. Quelle sorte de pays voulons-nous?

Est-ce que nous voulons une nouvelle version améliorée de fédéralisme? Un gouvernement fédéral puissant ayant les moyens d'agir au nom de tout le pays? Des gouvernements provinciaux énergiques et capables d'assumer leurs responsabilités constitutionnelles? Une division des pouvoirs adaptée aux besoins de l'heure? Une constitution qui définit et garantit les droits fondamentaux de tous les Canadiens? L'égalité juridique pour les langues française et anglaise?

Nous sommes convaincus que la majorité des Canadiens, dans toutes les provinces, adhèrent à ces principes. Lors de la présente Conférence, tous les gouvernements auront l'occasion de faire connaître leur position sans équivoque.

Il serait peu réaliste de croire que l'unanimité se fera sur chaque question. Indépendamment de la tournure que prendront nos délibérations au cours des trois prochaines journées, nous restons unis par une confiance commune en l'avenir de ce pays remarquable et par notre désir unanime de servir au mieux les intérêts de tous les Canadiens. C'est dans cet esprit que nous nous trouvons réunis à cette table et j'y vois certes d'heureux auspices pour entreprendre de fructueuses délibérations.

Je n'ai mentionné que quelques-uns des sujets que nous aborderions au cours de cette Conférence, mais ils devraient suffire à donner une indication de l'ampleur de la tâche que nous nous sommes fixée. Bien entendu, un grand nombre de questions demeureront sans réponse à la fin de la troisième journée. Quiconque attend une nouvelle constitution mercredi soir risque fort d'être déçu.

Néanmoins, nous espérons pouvoir accomplir des progrès remarquables au cours de cette rencontre et parvenir à une nouvelle étape dans nos délibérations.

Dans certains domaines de la constitution, il reste encore à faire beaucoup de travaux préparatoires. Il est possible que nous décidions de renvoyer ces travaux au Comité permanent des fonctionnaires. Nous aurons l'occasion de nous pencher sur le rapport de ce Comité qui demande des conseils sur les méthodes et les objectifs qu'il devra fixer à l'avenir.

Dans d'autres domaines où les travaux préparatoires sont achevés, le moment est venu de se décider sur la forme et le contenu à donner à une constitution révisée. Il s'agit là de décisions d'ordre politique que doivent prendre les représentants élus du peuple.

Par exemple, le gouvernement fédéral a formulé des propositions bien précises concernant une Charte des droits de l'homme. Nous avons aussi formulé des propositions concernant un préambule et la structure des gouvernements fédéral et provinciaux et des tribunaux.

Nous aborderons ces questions un peu plus tard dans le courant de la réunion. Si le temps nous fait défaut pour en venir à bout, il nous restera la possibilité de confier la discussion de certains sujets aux ministres ou chefs de gouvernements compétents, qui seront convoqués à cette fin. En ce qui nous concerne, nous sommes d'avis que de telles réunions méritent la plus haute priorité. Nous nous tiendrons donc à la disposition de tous dès que la nécessité s'en fera sentir et aussi souvent qu'il le faudra.

Au-delà de toutes ces questions, et sous-jacente à chacun des points de notre agenda, il est une réalité que nous ne devons jamais perdre de vue.

d'utiliser l'une ou l'autre langue dans ses rapports avec le gouvernement fédéral ou autres institutions gouvernementales, dans toutes les régions du pays où la minorité est assez importante pour justifier pareille mesure. C'est à cette condition seulement que le Canada peut devenir la patrie de tous les Canadiens.

Je crois d'ailleurs que nous n'avons plus le choix. On nous accorde de reconnaître ces droits linguistiques dans toutes les parties du Canada et, je le répète, on les a mal compris dans plusieurs régions. Cet aspect du bilinguisme, du projet de loi sur les langues officielles, ainsi que du rapport de la Commission B. et B. ne s'applique qu'à une partie du Canada. Il n'a pas d'application en Colombie-Britannique. Il n'y aurait qu'un district bilingue en Alberta et un en Saskatchewan. Je crois qu'au Manitoba il y en aurait quatre. On a donc pas raison de dire que partout il faudra parler les deux langues pour être au service du gouvernement fédéral. Nous pensons aux régions (qu'elles soient au Québec ou ailleurs au Canada) où le nombre des citoyens de la minorité officielle est assez grand pour justifier le bilinguisme et la mise sur pied d'institutions bilingues. On nous accorde de reconnaître ces droits à la langue dans toutes les parties du Canada, ou alors notre société se désintégrera dans l'hostilité et le mépris mutuel. C'est le défi qui se pose au Canada et que nous devons ici même, ensemble, relever.

Depuis la Conférence de l'an dernier, plusieurs gouvernements provinciaux ont pris des mesures en vue de garantir certains droits linguistiques. Le gouvernement fédéral a proposé l'adoption d'une loi sur les langues officielles, dont les dispositions ressortissent de la compétence fédérale. Nous nous rendons compte cependant que la garantie des droits linguistiques d'une extrême a l'autre du pays peut créer certaines difficultés d'ordre technique et financier et nous sommes disposés à discuter de ces problèmes avec les provinces et à étudier toute suggestion qui pourrait faciliter leur solution. Nous l'avons déjà dit l'an dernier. Il est à espérer que nous pourrions discuter de ceci d'ici la fin de notre réunion.

Maintenant que cette première étape est franchie, nous ne pouvons pas nous permettre d'hésiter ou de régresser. Les droits linguistiques sont trop importants pour trop de Canadiens pour ne pas être protégés adéquatement par la loi. Nous devons, dans notre constitution révisée, les garantir pour tous, de façon irrévocable et définitive.

pu, de part et d'autre, élaborer, afin que, réunissant les éléments les plus valables de nos réflexions et de nos divers travaux, nous en arrivions à composer la meilleure charte possible?

Une charte constitutionnelle des droits de l'homme, en plus de répondre à un besoin précis à l'égard du citoyen, aurait comme avantage de faire participer tous les Canadiens à un même esprit et à un même idéal. Nous croyons à la diversité culturelle du pays, que nous voulons cultiver et encourager. Mais, en même temps, nous devons trouver les raisons profondes qui nous rapprochent, nous devons prendre conscience des liens qui nous unissent. Si nous voulons que ce pays soit un pays et non pas un agglomérat de territoires à administrer, nous devons, pour lui donner une âme, reconnaître une fois pour toutes les principes et les idéaux qui nous sont communs et qui nous inspirent.

La nécessité de dépasser certaine compartimentation culturelle afin de permettre au pays de retrouver ses assises et ses raisons d'être nous a amenés à considérer comme fondamentaux les droits linguistiques.

Nous voulons respecter la langue des deux principales communautés linguistiques du pays. Mais s'agit-il d'un respect restrictif, limité, et comparativement? Les droits du français ne doivent-ils être garantis que dans une partie seulement du pays? Et les droits de l'anglais, dans l'autre partie seulement? L'absurdité de pareille situation saute aux yeux, car elle mène inévitablement à une intolérance réciproque et à une double ségrégation.

Nous croyons que les droits linguistiques ne sont pas seulement fondamentaux pour le citoyen, mais qu'ils le sont aussi pour la santé et l'unité du pays. Le Canadien de langue française et le Canadien de langue anglaise doivent être des Canadiens à part entière. Quelle que soit la région où ils vivent, ils doivent se sentir partout chez eux.

Notre politique sur le bilinguisme a maintes fois prêté à des malentendus. Elle n'implique pas que chaque Canadien de langue anglaise doit apprendre le français, ou que chaque Canadien de langue française doit apprendre l'anglais. Elle prévoit que chaque Canadien pourra gratuitement se faire éduquer dans l'une ou l'autre des langues officielles, et qu'il sera libre d'utiliser l'une ou l'autre des langues officielles, et qu'il sera libre

Si le gouvernement fédéral insiste pour qu'une charte des droits de l'homme soit partie intégrante de la constitution, c'est qu'il croit que les droits de l'homme revêtent la même importance pour tous les Canadiens. Qu'il soit de Churchill, de Trois-Rivières, de Kamloops, de Medicine Hat, de Richibucto ou de Port aux Basques, le citoyen canadien doit partout être assuré du même et libre exercice de ses droits fondamentaux.

Et pourquoi ne le serait-il pas? S'agit-il oui ou non de valeurs communes à tous, et auxquelles nous croyons tous? Sans aucun doute. Alors, je vous le demande, messieurs, d'où vient notre hésitation? D'où vient notre réticence à garantir tous ensemble au citoyen que tous ensemble nous servons et représentons ses droits les plus essentiels?

Certains sont peut-être d'avis que cette question relève plutôt de la juridiction des provinces et craignent qu'elle donne lieu à une intrusion du gouvernement fédéral dans un domaine qui n'est pas exclusivement de sa compétence. Or, il ne peut y avoir ici d'empiètement gouvernemental puisqu'il n'est pas question de transférer des pouvoirs législatifs d'un gouvernement à un autre. Il suffit tout simplement que nous soyons d'accord pour restreindre le pouvoir de tous les gouvernements, qui n'auraient plus la latitude de porter atteinte aux droits individuels que nous serions tous convenus de garantir. Nous décidons de placer les droits fondamentaux du citoyen avant les droits des gouvernements. Voilà tout.

Du reste, la plupart des provinces reconnaissent la nécessité d'accorder à l'individu des droits de cette nature; quelques-unes d'entre elles ont en effet déjà adopté soit une charte des droits de l'homme, soit une législation protégeant certaines libertés publiques; et d'autres provinces se proposent d'en faire autant bientôt.

Mais la protection du citoyen reste incomplète, parce que ces initiatives restent isolées. Pourquoi ne pas les unifier et les consolider? Le gouvernement fédéral a rédigé un projet de charte des droits de l'homme, que l'on trouvera dans notre document, "La constitution canadienne et le citoyen". Il va de soi que ce projet n'est pas définitif et qu'il est susceptible d'amélioration. Mais pourquoi ne pas confronter nos différentes manières d'envisager la question et ne pas tenter de les réconcilier? Pourquoi ne pas vouloir mettre en commun ce que nous avons

Une autre préoccupation tant du gouvernement fédéral que des gouvernements provinciaux a été de faire en sorte que les Canadiens de toutes les régions du pays bénéficient de chances égales. C'était une des raisons fondamentales qui justifiaient la Confédération. Au cours de notre histoire vieille d'un siècle, la conjoncture économique et les problèmes relatifs aux inégalités qui en résultent ont changé du tout au tout. On s'est demandé si la constitution imposait des obligations suffisantes et si elle accordait suffisamment de pouvoirs aux divers ordres de gouvernement pour résoudre ces problèmes. Avec les provinces nous partageons le même désir de trouver des moyens plus équitables de distribuer les chances dans toutes les parties du Canada, et nous accueillons avec plaisir la perspective d'un débat poussé sur les meilleurs moyens constitutionnels d'atteindre cet objectif.

Au lieu de faire revivre les batailles d'antan, qui portaient sur des accommodements financiers à court terme, de un, deux ou trois ans, il vaudrait mieux faire face à ces questions fondamentales. Elles sont inscrites à l'ordre du jour de la Conférence et nous allons les aborder au cours des trois prochaines journées. Il serait bon d'en faire l'étude dans le cadre d'un examen systématique de toute la structure de notre régime fédéral.

Nous voulons reviser notre constitution. Nous voulons la moderniser, la rendre plus conforme aux réalités contemporaines. Mais notre véritable détermination, notre motivation profonde, c'est d'abord et avant tout de servir le citoyen, de sauvegarder ses intérêts, d'assurer la protection de ses droits et la réalisation de ses aspirations. Voilà notre préoccupation première, et qui nous est commune à tous. D'autant plus que tous ensemble nous représentons et servons les mêmes Canadiens. Les souverainetés peuvent bien être partagées entre divers paliers de gouvernement, mais le citoyen, lui, reste unique et indivisible.

Or, y a-t-il, pour le citoyen, des valeurs plus importantes, des biens plus précieux que le droit à la vie, le droit à la propriété, à la liberté d'opinion et de parole, à la liberté de religion? Il s'agit là des droits fondamentaux de l'individu, inhérents à la dignité humaine parce qu'élémentaires, naturels et en quelque sorte immuables. Comment pourraient-ils être ignorés dans la constitution d'un pays moderne et civilisé, et qui se veut défenseur du respect et de la liberté de l'homme?

Je pourrais parler, aussi, de notre souci, je dirais même de l'urgente nécessité, de prévenir l'érosion des pouvoirs économiques et fiscaux du Parlement du Canada et si nous voulons que notre pays demeure fort et que les Canadiens de chaque région bénéficient de chances accrues.

Mais là n'est pas mon dessein. Vous connaissez ces arguments aussi bien que vous connaissez les vôtres au sujet de cette question centrale du fédéralisme. Le point que je veux faire ressortir est le suivant: ces discussions se sont tellement prolongées au cours des ans qu'il est de notre devoir envers les Canadiens d'aborder le problème fondamental, et ce problème, c'est la constitution.

Si les provinces estiment, par exemple, que les gouvernements du Canada qui se sont succédés ont fait preuve de trop d'empressement en entreprenant des programmes à frais partagés, ou que ces programmes violent l'esprit des compétences provinciales, nous ferions mieux alors d'examiner le pouvoir constitutionnel en vertu duquel on les met en oeuvre, c'est-à-dire le pouvoir de dépenser du gouvernement fédéral. Par l'intermédiaire de ces arguments, laissez-t-on entendre qu'il faudrait réduire ou atténuer de quelque façon ce pouvoir fédéral? Ou bien suggère-t-on qu'il devrait exister des règlements de base afin d'en régir l'utilisation? Voilà des questions fondamentales, il est vrai, car sur ce pouvoir constitutionnel sont fondés, par exemple, le Régime d'assurance-hospitalisation, le Régime d'assistance publique du Canada, le Fonds de développement économique rural, la Caisse d'aide à la santé, l'Assurance-santé, la Route transcanadienne et les Allocations familiales, pour n'en citer que quelques-uns. Ce pouvoir de dépenser a aussi permis au gouvernement fédéral de contribuer à de nombreux projets du centenaire, y compris l'Expo 67. Voilà en partie comment les Canadiens bénéficient de ce pouvoir et nous devons en tenir compte lorsque nous traiterons de cette question.

L'utilisation du pouvoir de dépenser du gouvernement fédéral ne représente qu'un exemple des problèmes constitutionnels fondamentaux que nous devons résoudre afin de trouver des solutions durables aux problèmes financiers auxquels tous les gouvernements continuent à faire face.

Nous savons que ce ne sont pas là les seuls problèmes auxquels nous devons faire face. Les Canadiens de toutes les provinces désirent l'amélioration des systèmes d'éducation, l'expansion des programmes de santé et de bien-être, de meilleurs logements et services de transports, un aménagement régional plus rapide, pour ne mentionner que quelques-unes des priorités actuelles.

D'aucuns ont proposé que la constitution soit rayée de l'ordre du jour de la présente réunion afin d'étudier de plus près l'évolution quotidienne des problèmes socio-économiques. Après tout, nous voyons bien qu'ils existent, qu'ils sont importants et qu'il faut absolument les résoudre. Mais il est un temps où la recherche de solutions à court terme et l'acceptation routinière de palliatifs ne sauraient être admises lorsqu'on veut se consacrer à l'examen des problèmes fondamentaux. Nous savons tous que lorsque deux hommes de bonne volonté n'arrivent pas à s'entendre sur un problème aussi commun qu'urgent, ce sont probablement les principes fondamentaux qui, dans une certaine mesure, sont à l'origine de ce désaccord. Et nous savons aussi qu'il est préférable et plus efficace de faire en sorte de s'entendre sur les principes que de continuer à se quereller à propos du problème même. L'unité canadienne et la coopération fédérale-provinciale ont été trop souvent mises en doute pour que nous pensions nous en tirer par un autre palliatif. Le problème fondamental doit venir sur le tapis; il faut parler de la constitution, de ce qui détermine les fondements de l'unité canadienne et de ce qui régit les relations fédérales-provinciales.

Je pourrais faire la rétrospective, et vous le pourriez aussi, de l'abandon progressif des ressources fédérales en faveur des gouvernements provinciaux et montrer que, de nos jours, près de 50 p. 100 de l'ensemble des revenus du gouvernement revient aux gouvernements provinciaux et municipaux. Il me serait possible aussi de souligner la réduction progressive et régulière de la part fédérale dans le domaine de l'impôt sur le revenu et sur les biens de succession. Je pourrais encore faire valoir que le gouvernement fédéral a augmenté ses versements de péréquation aux provinces à revenus modiques, de telle sorte qu'ils atteignent aujourd'hui bien plus d'un demi-milliard de dollars par an.

C'est au cours de notre année du Centenaire qu'un grand nombre de Canadiens en vinrent à la conclusion que, pour mieux assurer l'avenir du pays, il nous fallait procéder à une révision de notre constitution. C'est pourquoi diverses réunions furent tenues, et de vastes discussions, que nous ne faisons que poursuivre aujourd'hui.

L'une des premières étapes fut la Conférence de la Confédération de Demain, convoquée par le Premier ministre Robarts, et au cours de laquelle de nombreux dirigeants provinciaux insistèrent sur l'urgence d'une révision de la constitution. On réaffirma ce besoin lors de la Conférence constitutionnelle fédérale-provinciale en février dernier, si bien qu'on décida de procéder à une révision globale de la constitution. Nous fûmes alors d'accord pour établir un Comité permanent de fonctionnaires, chargé de seconder les Premiers ministres ou leurs délégués.

Le gouvernement fédéral ainsi que tous les gouvernements provinciaux ont participé aux travaux de ce Comité. On a mis alors à contribution l'expérience et l'imagination des meilleurs experts du pays. Le comité a ainsi favorisé la réflexion sérieuse et l'éclosion d'idées, si bien que jamais, peut-être, depuis les débuts de la Confédération, a-t-on autant débattu, et de façon aussi pertinente, les grandes questions constitutionnelles. Maintenant que nous avons accumulé cette somme de connaissances, et mis au point cet instrument de travail, c'est à nous de décider l'usage que l'on veut en faire. Mais les chefs de gouvernement sont les premiers responsables des décisions qui seront prises et du progrès qui s'accomplira; c'est à nous, en définitive, qu'il incombe d'assurer le succès des travaux entrepris et la qualité de notre constitution.

Je ne sous-estime pas la difficulté de notre tâche. Bien que l'on ait accompli beaucoup depuis février dernier, la plupart des problèmes qui ont donné lieu à la demande de révision ne sont pas encore résolus et certains d'entre eux sont peut-être même devenus plus aigus. Les événements récents indiquent sans l'ombre d'un doute que les incertitudes au sujet du rôle respectif d'Ottawa et des provinces et au sujet des droits de nos deux principales communautés linguistiques n'ont pas du tout diminué. Ce qui était vrai il y a un an ne l'est pas moins aujourd'hui. Nous devons supprimer ces incertitudes en renouvelant la constitution.

donner à ce pays la robuste unité dont il avait besoin. Dans le même esprit, nous ne devons pas craindre d'innover, de transformer et d'améliorer. Au cours des ans, ils ont fait preuve, dans leurs travaux, de patience, de tolérance et de persévérance. Ce sont là des qualités que nous nous devons de posséder.

Le Canada est le résultat de la compréhension et non du conflit; nous sommes les dépositaires de la raison et non de la violence. Les Canadiens veulent que leur pays aille de l'avant avec calme et pondération. C'est notre façon d'agir et c'est la bonne. Elle a fait ses preuves et nous devons faire en sorte qu'il en soit toujours ainsi.

Les délibérations des trois prochaines journées graviteront autour de la constitution. Je sais que nombreux sont ceux qui voient dans la constitution un document technique fort aride qu'il vaut mieux laisser entre les mains des hommes de loi et des politiques. L'Acte de l'Amérique du Nord britannique n'est assurément pas un sujet de lecture très enlevé. Mais du moment que ses effets s'exercent sur chaque Canadien, il intéresse chacun de nous. Notre régime politique met en jeu le sort de chaque citoyen. La bonne marche de ce régime, à l'heure actuelle et dans les temps à venir, repose sur la constitution.

L'autorité de notre appareil législatif, de notre appareil judiciaire et le maintien de l'ordre dans notre société émanent et dépendent de cette constitution. C'est dire en quelque sorte qu'elle intervient dans la plupart des actes les plus simples de notre vie quotidienne. Elle a un rôle à jouer dans notre note d'épicerie ou de chauffage, dans la qualité même de l'air que nous respirons et de l'eau que nous buvons, dans les émissions de télé-vision que nous regardons, dans l'administration de nos écoles et de nos tribunaux. Elle influe tout autant sur la prospérité du pays, le nombre des emplois, le développement de l'industrie et la valeur qualitative et quantitative de nos services de bien-être et de santé. Elle protège les particuliers et les minorités contre tout abus de pouvoir. Alors que nos besoins et nos aspirations sont en constante évolution, la constitution est au cœur de l'existence même de notre pays.

à M. Thatcher.

Mon introduction étant faite, il m'a semblé pouvoir prendre un peu d'avance sur notre ordre du jour. Nous savons tous qu'il y aura probablement une discussion au sujet de cet ordre du jour. Il se lit en ce moment comme suit: article 1. - Discours d'ouverture, article 2. - Objectifs de la Conférence constitutionnelle. Etant donné ceci, j'ai cru que la meilleure façon de procéder, si vous êtes tous d'accord, serait de prononcer nos discours d'ouverture chacun à notre tour et ensuite, alors que tous auront donné leur point de vue, si je peux m'exprimer ainsi, nous pourrions passer à l'article 2, probablement vers la fin de l'après-midi. Alors nous pourrions discuter de l'ordre du jour et y faire toutes les modifications nécessaires, pour ensuite déterminer l'horaire que nous voulons observer.

De cette façon, je le répète, nous commencerions par nos discours d'ouverture et ensuite nous serions en toute liberté pour discuter de la question de l'ordre du jour sous tous ses aspects. Si vous êtes d'accord, je vais continuer et chaque chef de délégation parlera à son tour.

Dois-je considérer que vous êtes tous d'accord?

La tradition en vertu de laquelle nous nous trouvons réunis aujourd'hui remonte au-delà de l'origine de notre Confédération. Les tournaux de l'histoire sont, pour bien des pays, marqués au coin de la guerre ou des révolutions. La fondation et le développement de notre pays, moins spectaculaires mais tout aussi décisifs, sont le fruit des réunions tenues par les représentants du peuple dans le bon ordre et le respect des formes. Il faut consacrer plusieurs années et maintes réunions à l'élaboration détaillée de la Confédération. Nul doute que les Pères de la Confédération n'aient partagé souvent, au cours de ces années interminables, un sentiment profond de frustration. Et pourtant, avec le recul de l'histoire, y eut-il jamais temps mieux employé?

Leur tâche, sous bien des rapports, se compare à celle qui nous occupe aujourd'hui. Il leur fallait créer un immense pays aux régions fort diversifiées et, de notre côté, nous devons assurer un avenir aussi riche que prometteur. Ce sont les difficultés de l'époque qui dictèrent leurs attitudes et engendrèrent les institutions d'alors. Mais ils avaient assez de foi en l'avenir pour

Nous sommes honorés de sa présence à cette Conférence ainsi que celle d'un autre ancien Premier ministre du Canada, le très honorable John Diefenbaker. Je souhaiterais que l'on puisse amender notre constitution afin de garantir que, lorsqu'un Premier ministre assume ses fonctions, il acquiert aussi les meilleures qualités de ses prédécesseurs.

Il y a une absence que j'éprouve ce matin avec un regret particulièrement vif, c'est celle de l'honorable Daniel Johnson. Les raisons qui avaient motivé notre décision de reviser la constitution, tenaient, pour une bonne part, à l'insatisfaction des Canadiens français et à leur malaise à l'interieur de la Fédération canadienne. Comme Premier ministre de la Province de Québec, la tâche de monsieur Johnson, lors de notre première rencontre, était importante et difficile. Et bien que l'on ait, autour de cette table, différé d'avis à quelques reprises, son entier dévouement aux intérêts de la population du Québec et sa foi dans l'avenir du Canada étaient reconnus par tous ceux qui ont été témoins du soin et de la pondération qu'il mettait à concilier la poursuite de ce double objectif. C'est l'honorable Jean-Jacques Bertrand, on le sait, qui lui succède comme Premier ministre de la Province de Québec et que nous accueillons ce matin au déroulement de ces deuxièmes assises. Je vous salue amicalement et me réjouis de voir que votre santé est maintenant rétablie. J'espère qu'elle continuera à être satisfaisante et qu'elle vous permettra de vous acquitter avec succès de vos nouvelles responsabilités.

Nous regretterons aussi l'absence de l'honorable Ernest Manning à cette Conférence. Lors de nos débats, il apportait toute l'autorité et la conviction qu'il avait acquises durant le quart de siècle qu'il avait consacré aux intérêts de ses concitoyens de l'Alberta. L'honorable Harry Strom lui succède en qualité de Premier ministre de cette province et de chef de la délégation de l'Alberta. Je suis heureux de vous souhaiter la bienvenue et de vous offrir mes meilleurs vœux de succès dans vos nouvelles fonctions.

Nous avons appris avec quelque déception que l'honorable Ross Thatcher, Premier ministre de la Saskatchewan, ne pourrait assister à la présente réunion pour cause de maladie. L'honorable D.G. Stewart assumera la direction de la délégation de la Saskatchewan. Je lui demanderais de transmettre nos vœux de prompt rétablissement

Allocution d'ouverture du
TRÈS HONORABLE PIERRE ELLIOTT TRUDEAU
Premier Ministre
du
Canada
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

Distingués invités et observateurs, mesdames et
messieurs:

Alors que débute la présente réunion de la Confé-
rence constitutionnelle, je désire souhaiter la bienvenue
à tous les chefs des gouvernements provinciaux et à leurs
délégués qui sont rassemblés dans cette salle ainsi qu'à
tous ceux qui suivent nos débats par le truchement de la
radio ou de la télévision.

Bien que cette réunion soit la suite de notre
rencontre en février dernier, les événements qui se sont
produits l'an passé ont modifié la composition des parti-
cipants de notre Conférence. Les membres de la délégation
fédérale et, j'en suis sûr, tous les participants de cette
Conférence regretteront qu'on ne puisse plus compter sur
l'expérience et l'habile esprit d'initiative de mon prédé-
cesseur, le très honorable Lester B. Pearson. Les nombreuses
années qu'il a passées dans la diplomatie internationale,
sa profonde connaissance de nos institutions politiques,
l'affection et le souci dont il a fait preuve à l'égard
de son pays ainsi que sa sagesse et son esprit ont contribué
pour beaucoup au succès de notre première réunion.

Allocution d'ouverture du
TRÈS HONORABLE PIERRE ELLIOTT TRUDEAU
Premier Ministre
du
Canada
à la
deuxième réunion
de la
Conférence constitutionnelle
Ottawa, le 10 février 1969

ORDRE DU JOUR

1. Déclarations d'ouverture

2. Objectifs de la Conférence constitutionnelle:
(a) Généralités
(b) Rapport du Comité permanent
(c) Procédure à suivre pour la révision de la constitution

3. Objectifs de la Confédération et principes fondamentaux de la constitution

4. Questions constitutionnelles particulières:

(a) Langues officielles
(b) Droits fondamentaux
(c) Répartition des pouvoirs (y compris les pouvoirs d'imposition et de dépense au point de vue constitutionnel)
(d) Réforme des institutions liées au fédéralisme
(e) Disparités régionales
(f) Le dispositif de modification constitutionnelle et les dispositions provisoires
(g) Mécanismes des relations fédérales-provinciales

5. Autres questions

CHEFS DES DÉLÉGATIONS

Le très honorable Pierre Elliott Trudeau,
premier ministre du Canada

L'honorable J.P. Robarts, premier ministre de l'Ontario

L'honorable Jean-Jacques Bertrand, premier ministre du
Québec

L'honorable G.I. Smith, premier ministre de la
Nouvelle-Écosse

L'honorable Louis J. Robichaud, premier ministre du
Nouveau-Brunswick

L'honorable Walter Weir, premier ministre du Manitoba

L'honorable W.A.C. Bennett, premier ministre et ministre
des Finances de la Colombie-Britannique

L'honorable Alexander B. Campbell, premier ministre de
l'Île-du-Prince-Édouard

L'honorable D.G. Stewart, vice-premier ministre de la
Saskatchewan

L'honorable Harry E. Strom, premier ministre de l'Alberta

L'honorable J.R. Smallwood, premier ministre de Terre-Neuve

TABLE DES MATIÈRES

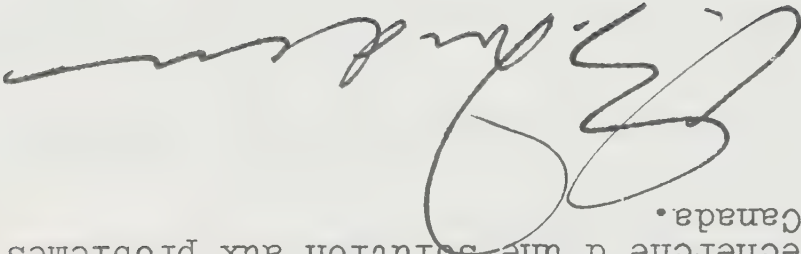
page	Avant-propos	iii
	Chefs des délégations	v
	Ordre du jour	vi
	PREMIÈRE SÉANCE: lundi matin 10 février	
	Déclarations d'ouverture	1
	DEUXIÈME SÉANCE: lundi après-midi 10 février	
	Déclarations d'ouverture (suite)	67
	TROISIÈME SÉANCE: mardi matin 11 février	
	11 février	167
	QUATRIÈME SÉANCE: mardi après-midi 11 février	
	11 février	241
	CINQUIÈME SÉANCE: mercredi matin 12 février	
	12 février	313
	SIXIÈME SÉANCE: mercredi après-midi 12 février	
	12 février	371
	APPENDICE A: Décisions de la réunion	343
	APPENDICE B: Tables des matières détaillée	449

AVANT-PROPOS

La deuxième réunion de la Conférence constitutionnelle s'est tenue à Ottawa les 10, 11 et 12 février 1969. A l'exemple de la réunion de février 1968, tous les Canadiens avaient accès aux délibérations par le truchement de la radio et de la télévision. Les discussions entre les chefs de gouvernement ont été très directes et ont fait voir à quel point sont divers les points de vue sur la constitution et sur le régime de gouvernement au Canada. Les premiers ministres ont défini quelques-uns des problèmes importants qu'il faudra résoudre, si nous voulons nous donner un régime de gouvernement qui réponde aux exigences du Canada de demain.

Ceux qui ont suivi les discussions comme ceux qui y ont participé ont pu tirer de cette réunion des enseignements très précieux. Je crois que nous sommes davantage renseignés maintenant sur les espoirs et les préoccupations, sur les priorités et les intérêts des divers gouvernements du Canada. Tous les Canadiens sont maintenant en mesure de mieux comprendre aussi bien les problèmes du pays tout entier que ceux des régions.

Comme l'indique le compte rendu des délibérations, les participants à la Conférence se sont mis d'accord sur un certain nombre de points. Parmi les décisions prises par les chefs de gouvernement, il y a lieu de souligner celle de procéder, à un rythme accéléré, à la révision globale de la constitution. Cette décision de la Conférence, ainsi que la mise sur pied de divers comités ministériels qui seront chargés d'étudier sans délai certains aspects de la révision, constitue une étape importante dans la recherche d'une solution aux problèmes constitutionnels du Canada.



© Droits de la Couronne réservés
En vente chez l'Imprimeur de la Reine à Ottawa,
et dans les librairies du Gouvernement fédéral:

HALIFAX
1735, rue Barrington

MONTREAL
Edifice Eterna-Vie, 1182 ouest, rue Ste-Catherine

OTTAWA
Edifice Daly, angle Mackenzie et Rideau

TORONTO
221, rue Yonge

WINNIPEG
Edifice Mall Center, 499, avenue Portage

VANCOUVER
657, rue Granville

Prix \$4.00 N° de catalogue Z2-1969/1-2

Prix sujet à changement sans avis préalable

L'Imprimeur de la Reine
Ottawa, Canada
1969

CONFÉRENCE CONSTITUTIONNELLE

DÉLIBÉRATIONS

DEUXIÈME RÉUNION
Ottawa, 10-12 février 1969

BINDING SECT. JUL 8 1969

